

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18600 of 2019

Arising Out of PS. Case No.-691 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SAURABH KUMAR Son of Siya Ram Singh Resident of Shanti Vihar
Colony, Shakuntala Recidence, S.T.T.I., P.S.- Digha, District- Patna
... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pratima Kumari W/o Saurabh Kumar D/o Arun Kumar Yadav Resident of
Mohalla- Ranipur, Bahari, P.S.- Mehdiganj, District- Patna.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-06-2019 Heard learned counsels for the petitioner and the
complainant.

The petitioner, being the husband of the complainant is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Section 498A of the IPC.

The prosecution case as per the complaint petition is that
the complainant was married with the petitioner on 23.1.2013
and thereafter they were blessed with two children and after
giving birth to a female child, the complainant was not only
tortured, but also there was a further dowry demand of Rupees
Ten Lacs. It is further alleged that one of the children is
mentally abraded since birth, but the petitioner is not providing



her adequate medical facilities.

The complainant is present in Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children out of the wedlock. It is further submitted that the petitioner has filed Matrimonial Suit No. 5 of 2018 on 16.1.2018 with a prayer for divorce and thereafter, the present complaint was filed on 20.6.2018. In the circumstances, the petitioner is not ready to keep the complainant as wife.

Learned counsel for the complainant submits that the marriage between the complainant and the petitioner and birth of two children are admitted and there is no reason for the complainant to desert the petitioner. It is further submitted that the complainant is still ready to resume the conjugal life, however, the mediation failed due to the adamant attitude of the petitioner.

Considering the rival submission of the parties and keeping in view the fact that on joint prayer of the parties, vide order dated 11.4.2019 the matter was referred to the mediation and the report of the Mediator at Flag- X reflects that the issue could not be resolved through the process of mediation, it does not appear that the issue can be resolved in the present



proceeding. However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.8000/- per month to the complainant from August, 2019 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the complainant submits that the complainant is not ready to accept the aforesaid offer and she is only ready to resolve the issue in terms of resumption of conjugal life. In the circumstances, the petitioner is permitted to deposit the said amount of Rs.8000/ per month before the learned Court below, which will be subject the result of the case or any order passed in matrimonial, maintenance or collateral proceedings.

Considering the fact that since the issue cannot be resolved in the present proceeding, the Matrimonial Suit was filed by the petitioner at earlier point of time and the petitioner is ready to make payment to the complainant, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna City in connection with Complaint Case No. 691 of 2018 subject to the



conditions laid down in Section 438(2) of the Cr.P.C.

In case, any appropriate application is filed by the complainant before the learned Court below, the said amount will be released by the learned Court below in favour of the complainant.

Three consecutive defaults in making payment will give liberty to the learned Court below to cancel the bail bonds of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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