

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75375 of 2018

Arising Out of PS. Case No.-1714 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Shailendra Kumar son of Late Mahavir Prasad, Resident of Village- Dujra
Devi Asthan, P.S. Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Rina Devi, daughter of Late Ram Saran Prasad, Resident of Mohalla-
Musalahpur, Chai Tola, Chandravanshi Lane, P.O. Mahendru, P.S.
Kadamkuan, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-03-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his 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 Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is
that the complainant was married with the petitioner on
13.02.2015 but subsequent to the marriage, there was further
dowry demand of Rs.Eight lakhs, a car and a mobile phone and
due to the non-fulfillment of the same, the torture was inflicted.



It is alleged that on 30.12.2015 the complainant was blessed with a male child and ultimately, the complainant was driven out from the matrimonial house by the petitioner and other in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a child. However, the petitioner filed matrimonial suit being Matrimonial Case No. 1250 of 2017 on 18.11.2017 with a prayer for dissolution of marriage on the ground of cruelty which is pending before learned Principal Judge, Family Court, Patna prior to the order of taking cognizance in the complaint on 08.06.2018. Since the petitioner suspects that the complainant is having illicit relationship with someone else, he is not ready to keep the complainant. It is further submitted that the maintenance case is still pending.

However, learned counsel for the complainant submits that the complaint was filed on 30.05.2016 and thereafter in order to save the skin from complaint case, the matrimonial suit has been filed by the petitioner and the complainant is still ready to resume the conjugal life.

Considering the rival submissions of the parties, it appears that the matter was referred to Mediation and



Conciliation Centre of the Bihar State Legal Services Authority on the joint prayer of the parties vide order dated 15.01.2019. The report of the Mediator dated 06.03.2019 kept at Flag 'X' reflects that the issue could not be resolved through the process of mediation between the parties. Hence, at present, it does not appear that the issue may reconcile in terms of resumption on conjugal life. Since the marriage is admitted between the parties, the petitioner is employed and the complainant is unemployed, this Court is inclined to direct the petitioner to make payment of Rs.7,000/- per month to the complainant from April, 2019 by depositing the same into the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant is ready to accept the offer and undertakes to submit her bank account details on affidavit before the learned Court below within a period of four weeks.

Considering the present stand of the parties which, at present, will save the complainant and the minor child from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from



today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna in connection with Complaint Case No. 1714© of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any order being passed in matrimonial, maintenance or colateral proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail 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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