

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27046 of 2019

Arising Out of PS. Case No.-1404 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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SANJAY KUMAR DAS, S/o- Rajendra Das, R/o Village- Mahisaur, P.S.-
Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dauli Kumari, wife of Sanjay kumar Das, R/O Vill-Mahisaur, P.S.-Jandaha
Distt.-Vaishali at present D/o-Sri Hira Lal Gupta R/v and P.O. Khabara,
P.S..-Sadar, Dstt.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Adv.
For the Opposite Party/s	:	Mr. Arvind Kumar, Adv.
For the State	:	Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 16-11-2019 Heard learned Counsels for the petitioner,

complainant and the State.

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 Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is
that the complainant's marriage was performed with the
petitioner on 11.03.2016, but thereafter, further dowry demand
of Rupees One Lac

was made and due to non-fulfillment of the same, torture was inflicted upon the complainant.

It is submitted on behalf of the petitioner that the petitioner admits his marriage with the complainant and the issue was resolved between the parties on payment of one time settlement amount of Rs.5,05,000/-along with ornaments and clothes and this fact has been brought on record by way of filing supplementary affidavit dated 25.07.2019.

This fact has not been controverted by learned counsel for the complainant on affidavit, however, orally it is submitted that the factum of settlement of the issue and payment one time settlement amount are being denied.

It appears that a Co-ordinate Bench of this Court vide order dated 08.08.2019, referred the matter to the Patna High Court Mediation and Reconciliation Centre. The report of the Mediator, dated 16.10.2019, kept at 'Flag-M' reflects that the issue could not be resolved between the parties through the process of mediation.

Learned counsel for the petitioner further submits that though the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.9 of the petition, which reads as



under :-

“That it is important to mention here that the petitioner is always ready to live with his wife with full dignity.”

However, in alternative, the petitioner is ready to make payment of Rs. 3,000/- per month to the complainant from December, 2019 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant submits that the complainant has never received any money at the behest of the petitioner. However, she is ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties, 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 12 weeks from today, 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 (East), Muzaffarpur, in connection with Complaint Case No. 1404 of 2017, corresponding to Tr. No. 2580 of 2018, subject to the



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

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

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

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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