

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75372 of 2018

Arising Out of PS. Case No.-2435 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rohit Kumar @ Rohit Gupta, Son of Late Pradeep Kumar, Resident of
Village- Shankar Saraiya, Fateh Tola, Police Station- Turkaulia, District- East
Champaran. Petitioner/s

Versus

1. The State Of Bihar
2. Gita Gupta, W/o Rohit Gupta, D/o Satyadeo Prasad, Resident of Village and
P.S. Harsidhi, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Soni Shrivastava
For the Opposite Party/s : Mr.Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-03-2019 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 Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the complaint petition is
that the complainant was married with the petitioner on
08.12.2010. After the marriage for some time, the relationship
between the complainant and the petitioner remained cordial,
but thereafter, further demand of dowry of Rs.15,00,000/- and a
tractor was made and for non-fulfillment of the same, torture
was inflicted upon the complainant and ultimately, the



complainant was driven out from the matrimonial house on 10.02.2016.

It is further submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but due to the ill and apathetic conduct of the complainant, the petitioner filed a matrimonial suit being Divorce Case No. 97 of 2017 before learned Principal Judge, Family Court, Motihari on 23.03.2017 and thereafter, the present complaint has been filed on 20.11.2017. It is further submitted that the complainant has also filed Maintenance Case No. 404 of 2017 before the learned Principal Judge, Family Court, Motihari. Since the matrimonial suit and the maintenance proceedings are pending, the petitioner is not inclined to resolve the issue in terms of resumption of conjugal life. However, the complainant is ready for resumption of conjugal life. The petitioner is ready for resolving the issue in terms of payment of one time settlement amount for which the complainant is not ready. However, the petitioner is ready to make payment of Rs.8,000/- per month to the complainant from April, 2019 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the



complainant is reluctantly ready to accept the offer of the petitioner and undertakes to submit her bank account details on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties which, at present, will save the complainant 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, Sadar, Motihari, East Champaran in connection with Complaint Case No. 2435 of 2017, 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 any 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.

It is expected from learned Principal Judge, Family Court, Motihari to dispose of the matrimonial suit and the maintenance proceeding expeditiously preferably within a period of eight months without giving unnecessary adjournment to either side.

(Dinesh Kumar Singh, J)

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