

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57278 of 2018

Arising Out of PS. Case No.-196 Year-2018 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Dhananjay Prasad, Son of Late Kesho Seth, Resident of Village + P.O. + P.S.-
Hasan Bazar, Kalapati Ka Pokhar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Pushpa Kumari, D/o Jagarnath Swarnkar W/o Dhananjay Prasad, Resident of Village P.O.- Sowar, P.S.- Krishnabramh, District- Buxar, at present village- Filangi, Ward No. 13, Near Canal, P.O. + P.S. Bihia, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Siddharth Harsh, Advocate
		Mr. Ashwini Kumar Rai, Advocate
For the Opposite Party/s :		Mr.Sri Bharat Lal, APP
For the O.P. No. 2	:	Mr. Satish Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 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 Sections 3/4 of Dowry Prohibition Act.

The prosecution case as per the complainant is that
her marriage was performed with the petitioner on 16.02.2005,
but subsequently, the torture was inflicted for non-fulfillment of



the further dowry demand. The complainant was appointed as Panchayat Teacher in January, 2006 but even then the petitioner neither looked after the complainant and the children and snatched Rs. 30,000/- from the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of children. It is further submitted that the complainant has forcefully taken with her children and ever since, the complainant got appointed as Panchayat teacher, she has become more arrogant and cranky. Though, the petitioner has also lodged Complaint Case No. 396 of 2018 and during enquiry the children stated that the petitioner was being assaulted at the behest of the complainant by some unknown persons. However, petitioner is ready to keep the complainant and children with dignity and honour, though, statement to that effect has not been made in the petition.

It is submitted by learned counsel for the complainant that the complainant is so apprehensive due to the past conduct of the petitioner that she is not ready for resumption of conjugal life but she is ready for parting ways on payment of one time settlement amount for which the petitioner is not ready.



Considering the rival submissions of the parties, it appears that on the joint prayer of the parties, this Court vide order dated 04.01.2019 referred the matter to the Mediation and Reconciliation Centre of Patna High Court. The report of the Mediator dated 24.02.2019 at Flag 'X' reflects that the issue could not be resolved through the process of the mediation.

The petitioner and the complainant are present in the Court.

Considering the fact that the petitioner is still ready to keep the complainant and children with dignity and honour and the same is not being accepted by the complainant, hence, it appears that the issue cannot be resolved at present and considering the totality of the issue since the petitioner is unemployed and the complainant is employed and children are residing with the complainant, 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 Additional Chief Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 196© of



2018, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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