

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52684 of 2019

Arising Out of PS. Case No.-214 Year-2018 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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PANKAJ KUMAR Son of Ram Das @ Ram Das Prasad Resident of -
Krishna Bihar Colony Beur, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mamta Kumari Wife of Pankaj Kumar, D/O - Subslal Barai Resident of -
Krishna Bihar Colony Beur, P.S.- Beur, District- Patna at present Village -
Pachana, P.S. and District- Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sayed Imran Ghani
For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 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 I.P.C and
Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the complainant, Mamta
Kumari was married with the petitioner, Pankaj Kumar on
09.12.2016 and 28.08.2017, they were blessed with a male
child, but thereafter, further dowry demand of Rupees Four Lacs
was made and due to non-fulfillment of the same, torture was



inflicted upon the complainant and ultimately, the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, but immediately after the marriage, when the petitioner came to know that the complainant is carrying pregnancy from before the marriage, he filed Matrimonial Case No.799 (M) of 2017 before the Principal Judge, Family Court, Patna for declaring the marriage null and void, and thereafter, the present complaint has been filed by the complainant as a retaliatory measure. 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 informant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that only on the basis of suspicion, the accusation of carrying the pregnancy from before the marriage has been levelled. In fact, for non-fulfillment of further dowry demand, the complainant has been tortured and driven out from the matrimonial house. However, reluctantly, the complainant accepts 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 and in view of the fact that the dispute between the parties is not likely to be resolved in near 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 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, Sheikhpura, in connection with Complaint Case No. 214 © of 2018 , subject to the conditions as laid down under Section 438(2) 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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