

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56745 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Vikash Kumar, S/o Raghunath Prasad, R/o Vill.- Rajasan, P.S.- Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pinki Devi @ Pinki Kumari, W/o Vikash Kumar, D/o Sudish Paswan, R/o
Mohalla- Chhoti Yusufpur, ward No. 37, P.S.- Industrial Estate, Hajipur,
District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-04-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant-opposite party no. 2 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 Sections 498A/34 of the Indian
Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case as per the complainant, Pinki
Devi is that her marriage was performed with the petitioner on
14.12.2015, but subsequently, there was further dowry demand
of Rs.Ten lakhs or a Xylo car due to non-fulfillment of the
same, the complainant was tortured and ousted from the



matrimonial house by the petitioner and other in-law family members.

Though initially the petitioner filed matrimonial suit for restitution of conjugal rites but subsequently, an application for converting the same into a suit for dissolution of marriage was filed and hence, the present complaint petition.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but it is the complainant who deserted the petitioner and earlier also, the complainant filed Hajipur Town P.S. Case No. 439 of 2017 with accusation for the offences punishable under Sections 504, 323 and 341/34 of the Indian Penal Code wherein the petitioner has been granted bail.

Though the matter was referred to the Mediation and Conciliation Centre of Patna High Court but the report of the Mediator dated 01.04.2019 at Flag 'N' reflects that the issue could not be resolved through the process of the mediation, particularly, due to the non-cooperation of the petitioner.

Learned counsel for the petitioner submits that the petitioner wanted to get the issue reconciled but due to the conduct of the complainant, it is not possible for him to resume the conjugal life with the complainant.



Learned counsel for the complainant submits that the complainant is still ready for resumption of conjugal life but it is the petitioner who has deserted the complainant.

Learned counsel for the petitioner submits that, in alternative, the petitioner is ready to make payment of Rs.6,000/- per month to the complainant from May, 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 detail 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, Hajipur, Vaishali in



connection with Complaint Case No. 12 of 2017/Trial No. 2650 of 2018, 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 collateral 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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