

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70138 of 2018

Arising Out of PS. Case No.-1146 Year-2016 Thana- COMPLAINT CASE District- Jamui

Baijnath Prasad, S/o Ramnath Vishkarma, Resident of Village- Bangla NO. 118, Quarter No. 110, I.S.M. P.O. I.S.M. P.S. Dhanbad, District- Dhanbad Jharkhand.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Fulkumari, W/o Baijnath Prasad, R/o Village- Bangla No. 118, Quarter 110, I.S.M. P.O. I.S.M. P.S. Dhanbad, District- Dhanbad, at present D/o Shankar Sao, Village- Bhahea, Chorghora, P.S.- Jhajha, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Rajballabh Singh, APP
For the O.P. No. 2	:	Mr. Rajesh Kr. Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-01-2019 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 Sections 498A,323,379/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the complainant's marriage was performed with the petitioner Baijnath Prasad on 01.12.2014. The complainant was treated well for two months, but thereafter, torture was inflicted



upon her for non-fulfillment of further dowry demand of Rupees One Lac and a colour T.V., refrigerator and a motorcycle. Ultimately, the informant was driven out from the matrimonial house by the petitioner and other in-laws family members.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant, having no issue. However, 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 para 10 of the petition which reads as follows:-

“That the petitioner is always ready to keep his wife with full dignity and honour.”

It is submitted by learned counsel for the complainant that the complainant is ready to resume the conjugal life. However, she is apprehensive due to past conduct of the petitioner. Moreover, the petitioner was not ready to compromise the issue which gets reflected from the impugned order. It is further submitted that the petitioner is not making payment of maintenance amount as awarded vide order dated 30.11.2017, passed by the learned Principal Judge, Family Court, Jamui, in Maintenance Case No.62 of 2017/123(M) of 2016 and for non-payment of the same, warrant has been issued. However, a supplementary affidavit has been filed



stipulating therein that certain payments have been made in pursuance to the order passed in maintenance proceeding.

Considering the fact that the complainant is ready to accept the offer of reconciling the issue, 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jamui, in connection with Complaint Case No. 1146C of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on filing of proof with regard to complete compliance of the order passed in the maintenance proceeding. Otherwise, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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