

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79174 of 2019

Arising Out of PS. Case No.-662 Year-2019 Thana- AGAMKUAN District- Patna

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Rohit Kumar (M), aged about 32 years, son of Yogendra Prasad @ Yogendra Prasad Singh, resident of Chhoti Pahari, P.S. and P.O.-Agamkuan, District-Pana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Imran Ghani, Advocate
For the State : Mr. Mukesh Kumar Singh, APP
For the Informant : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Syed Imran Ghani, learned counsel for the petitioner; Mr. Mukesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Sanjeev Kumar, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Agamkuan PS Case No. 662 of 2019 dated 19.07.2019, instituted under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.



4. The allegation against the petitioner, who is husband of the informant-opposite party no. 2, and his family members, is of mental and physical torture and demand of dowry.

5. Earlier, the Court had made an effort towards settlement between the parties and pursuant thereto the parties also met in presence of their learned counsel, but today it is not disputed that the opposite party no. 2 had come to meet along with her younger sister and as soon as her sister entered the room where the meeting was scheduled, she started making disparaging remarks which charged the atmosphere and later on, even though she had gone out of the room, the parties did meet, but because of the situation, nothing could come out.

6. Today the Court put a specific query to learned counsel for the petitioner as to whether he was agreeable to any other mode of one-time-settlement, he submitted that the petitioner is ready and in fact he had suggested it to learned counsel for the opposite party no. 2 that since the relationship has broken down to the extent that it was not practical and feasible and in the interest of both, to continue with the same, he was agreeable to negotiate a compromise by way of one-time-settlement. However, he submitted that there has been no



response from the opposite party no. 2.

7. On this, when called upon, learned counsel for the opposite party no. 2 submitted that she only wants that she should be taken back in the matrimonial home and is not ready for any other type of settlement.

8. When the Court observed that human relationship, especially between wife and husband, cannot be forced upon by any order or desire of the Court and the parties have to come to terms with reality and move ahead, learned counsel for the opposite party no. 2 reiterated that the opposite party no. 2 is not ready to consider any other alternative.

9. In the aforesaid background, the Court has heard the matter on merits.

10. Learned counsel for the petitioner submitted that he had filed Matrimonial (Divorce) Case No. 433 of 2019 against the opposite party no. 2 before the Principal Judge, Family Court, Patna. It was submitted that when the notice in the same was received by the opposite party no. 2, her brother had forcibly entered into the house of the petitioner and assaulted the family members, all of which was recorded by the CCTV, and for which he had filed Agamkuan PS Case No. 539 of 2019 on 11.06.2019. It was submitted that thereafter on



13.06.2019 the opposite party no. 2 had entered appearance in the divorce case. Learned counsel submitted that in such background, the present case has been filed on 19.07.2019 as a counter blast. Learned counsel submitted that even in the present case, there is general and omnibus allegation and no specific overt act alleged against either the petitioner or his family members.

11. Learned APP submitted that the allegation has been made by the wife but did not controvert that it is general and omnibus.

12. Learned counsel for the opposite party no. 2 submitted that the petitioner right from the beginning did not want the opposite party no. 2 to live with him and, thus, the present situation has arisen. At this juncture, when the Court called upon him to explain the conduct of the opposite party no. 2 and her sister during their meeting as also the fact that how it could be believed that on the one hand the opposite party no. 2 and her family would give rupees seven lakhs to the petitioner and his family for the marriage of his younger daughter and then on the other hand they would also maltreat or turn the opposite party no. 2 out of the house, learned counsel could not explain. He further could not controvert that not even one specific



instance of any kind of physical or mental torture has been indicated in the FIR and was also not able to meet the submissions of learned counsel for the petitioner with regard to the sequence of events, which support his contentions.

13. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Patna City/concerned Court in Agamkuan PS Case No. 662 of 2019 corresponding to GR No. 4019 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

14. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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