

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72830 of 2019

Arising Out of PS. Case No.-742 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Bireshwar Bhardwaj, Son of Sri Harihar Prasad Singh, Resident of Village - Bahuti, P.S.- Barun, District- Aurangabad (Bihar), At present Residing at Maharana Pratap Nagar, Road No. 01, P.S.- Town, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Devi, Wife of Sri Bireshwar Bhardwaj, Resident of Maharana Pratap Nagar, Road No. 01, P.S.- Town, District- Aurangabad (Bihar). Presently residing at Village - Ghauta, P.S.- Naveen Nagar, District- Aurangabad (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Shekhar, Advocate

For the Opposite Party No. 2 : Mr. Anirudh Kumar Verma, Advocate

For the State : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 06-03-2020 Heard learned counsels for the petitioner 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 323 and 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is to the



effect that the marriage of the complainant was performed with the petitioner on 08.02.2014, but subsequent to the marriage, there was further dowry demand of cash amount of Rs. 5 lacs and an Alto car and due to non-fulfillment of the same, torture was inflicted upon the complainant. Ultimately, on 15.11.2016, after snatching all the belongings, the complainant was driven out of the matrimonial house.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant, but it is the complainant who herself has deserted the petitioner and due to apathetic attitude of the complainant, the petitioner has filed a Matrimonial Suit No. 100 of 2016 with a prayer for divorce which is pending before the learned Principal Judge, Family Court, Aurangabad and thereafter, the present complaint has been filed on 22.08.2017 against the petitioner. Subsequently, the complainant has filed a maintenance case, being Maintenance Case No. 143 of 2017 before the Principal Judge, Family Court, Aurangabad, and in view of the order passed in the said case, the petitioner is making payment of maintenance amount of Rs. 2500/- per month to the complainant.

Learned counsel for the complainant submits that the petitioner has filed a Matrimonial Suit No. 100 of 2016, with a



prayer for divorce before the principal Judge, Family Court, Aurangabad and thereafter, the complainant has filed Maintenance Case No. 143 of 2017, wherein the petitioner has been directed to make a payment of Rs. 2500/- per month but the same has not been paid.

Learned Counsel for the petitioner further submits that the petitioner is ready to comply the order passed in maintenance case.

Considering the filing of the matrimonial suit by the petitioner at earlier point of time and making payment of Rs. 2500/- per month to the complainant, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Aurangabad in connection with Aurangabad Complaint Case No. 742 of 2017 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Two consecutive defaults in making payment will



give liberty to the learned Court below to cancel the bail bond of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J.)

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