

NavIn Kumar @ NavIn Kumar NavIn Vs. the State of Bihar

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Court : Patna

Decided On : May-13-2012

Appellant : NavIn Kumar @ NavIn Kumar Navin

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.42652 of 2010 Navin Kumar @ Navin Kumar Navin, Son of Sri Uttamchandra Das, R/o Village Mirzapur, P.S. Rosera, District Samastipur. -----Petitioner Versus The State Of Bihar -----Opposite Party ----- 08/- 13/01/2012 Heard learned counsel for the petitioner, learned counsel for the complainant and learned Additional Public Prosecutor for the State. The petitioner apprehending his arrest in connection with a case registered for the offence punishable under Sections 498 (A) of the Indian Penal Code and of Dowry Prohibition Act, is named accused in this complaint case being husband of the complainant with allegation of demand of dowry, torture etc. Submission is that petitioner intends to resume and continue the matrimonial relationship with the complainant, who is his one and only wife and likewise himself also appointed as Panchayat teacher. Further, petitioner has already filed one Matrimonial Case No. 87 of 2009 under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights, wherein, complainant has already entered into appearance and during reconciliation process with the permission of the Court (Principal Judge, Family Court, Samastipur), the couple was to reside together, but the complainant from the Court campus itself proceeded with her father leading filing of an application to this effect to the Court,

but in stead of intimating Family Court, the complainant has lodged an another complaint bearing Case No. 1139 of 2011 before Chief Judicial Magistrate, Begusarai with some misstatement. However, petitioner still intends to resume and continue the matrimonial relationship with the complainant. There is positive response on behalf of the complainant through the learned counsel representing her. Taking into consideration all facts and circumstances of the case, in the event of petitioner filing duly verified application supported with personal affidavit stating all such intentions before the court below or parties files joint petition of compromise clearly stating all such intention, in the event of his arrest/surrender within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Begusarai, in connection with Complaint Case No. 2795(C) of 2009, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure with additional condition to attend the court regularly till disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, the privilege granted shall be deemed to be cancelled. Further, additional condition, in the event of filing individual petition on behalf of the petitioner, the court below on getting positive response from the complainant in writing or filing joint petition of compromise by the parties, permit the couple to reside together at their place of choice on the condition to report personally to the court below on the dates fixed for the purpose and only after being satisfied of their conduct for a reasonable period, the court below shall pass appropriate order in accordance with law. (Akhilesh Chandra, J.) Praveen/-

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