

Arising Out of PS.Case No. -84 Year- 2014 Thana -DESARI District- VAISHALI (HAJIPUR)

.... Petitioner/s

The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

ORAL ORDER

The petitioner seeks bail in Desari P.S. Case No. 84 of 2014 dated 09.04.2014 instituted under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The Court had granted provisional bail to the petitioner by order dated 22.10.2014 with a view that either the couple lives together or one-time-settlement be arrived at.

Pursuant to mediation, reconciliation has failed. However, on 29.04.2015, the Court was informed that the informant had demanded Rs. 15,00,000/-, whereas the petitioner was ready to pay Rs. 4,50,000/-.

Today the offer from the informant is for payment of Rs. 7,00,000/- for one-time-settlement. However,

learned counsel for the petitioner submits that he shall not be agreeable to pay more than Rs. 5,00,000/-.

This Court finds that the offer made for one-time-settlement of Rs. 7,00,000/- on behalf of the informant to be most reasonable. Still the Court cannot compel the petitioner to make such payment as it is considering the matter only for grant of bail. In the above background, this Court has heard learned counsel for the parties on merits.

As per the prosecution story, the petitioner married the informant on 14.07.2013 and a Cheque of Rs. 4,00,000/- was given to him along with T.V., Fridge, Almirah, Sofa Set, Furniture, Golden Chain, Golden Ring and other ornaments as gift. It has been alleged that the total expenditure in the marriage was Rs. 18,00,000/-. It has also been stated that pursuant to the marriage the petitioner demanded further Rs. 7,00,000/- as dowry and on denial of the same the informant was tortured and also threatened with dire consequences. The accusation further is that the brother of the informant gave Rs. 1,00,000/- but on 20.03.2014 at 10:00 P.M., the accused persons including the petitioner attempted to kill the informant by putting her on fire and persons from the vicinity saved her. The allegation further is that on the next day the accused persons ousted the informant from her matrimonial home after snatching her valuables.

Learned counsel for the petitioner submits that

the allegations have been made with ulterior motive. Submission has also been made that as it was love marriage, there could not have been any transaction of money.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail and submit that the stand of the petitioner is falsified from the averments made in paragraphs no. 7 and 8 of the bail application, which would show that it was an arranged marriage and there is not even a whisper of any love affair. It is further submitted that the specific averments made in the F.I.R. for the payment of Rs. 4,00,000/- by Cheque has not been denied in the entire application.

Be that as it may, though the Court is of the opinion that the demand on behalf of the informant for settlement was reasonable and the Court may have interfered in the matter at this stage but after hearing the case on merits, this Court finds that the allegations appear to be plausible and the petitioner is not entitled, in the facts and circumstances of the case to bail.

The petitioner who is on provisional bail shall surrender before the Court below latest by 07th August, 2015. The Court shall forward a report to the Assistant Registrar of the High Court that the petitioner has surrendered by the date fixed forthwith. If no report is received from the Court below latest by 14th August, 2015, the matter shall be placed by the

Registry under the heading ‘To Be Mentioned’ on 19th August, 2015.

Accordingly, the application stands dismissed.

The order be communicated to the Court below through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J.)

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