

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5412 of 2015

Arising Out of PS.Case No. -67 Year- 2014 Thana -MAHILA PS District- JAMUI

Kamaldeo Roy son of Sri Surendra Roy Resident of village- lakhanpur,
P.S+ Distt.- Jamui, at present posted as a post of C.R.P.F., Fitter at
Suratgarh, District- Sri Ganga Nagar (Rajsthan) personal no. 085170639.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi Wife of Sri Kamaldeo Roy and daughter of Raja Ram Roy
Resident of village – Lakhanpur, P.S. + District – Jamui, at present
residing at village – Malaypur (Maliya Tola) P.O. + P.S. – Malaypur,
District – Jamui.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Rajendra Prasad Nat (App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

05/ 14-09-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 323, 341, 504,
506/34 of the Indian Penal Code and 3/4 of Dowry Prohibition
Act.

The accusation is of torture for non-fulfillment
of the dowry demand.

The matter was referred to the Mediation Centre
on the joint request of the parties but the report of the Mediator

at Flag 'A' dated 24.08.2015 reflects that the issue could not be reconciled through the process of mediation.



It is submitted by learned counsel for the petitioner that the marriage between the petitioner and the informant on 07.03.2011 is admitted, though, there was an issue but he could not survive, hence, at present there is no issue. The petitioner filed Matrimonial Suit No. 160 of 2014 on 08.10.2014 with a prayer for divorce whereas the present FIR was registered on 09.11.2014. Though, the informant is ready to resume the conjugal life; but the petitioner is not ready to accept the offer due to the past conduct of the informant. The petitioner is making payment of maintenance amount of Rs.3,000/- per month from June, 2015.

Considering the fact that the matrimonial suit was filed at earlier point of time and the petitioner is making payment of maintenance amount, let the above named petitioner be released on anticipatory bail in the event of his 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 Sub-divisional Judicial Magistrate, Jamui in connection with Jamui Mahila

P.S. Case No. 67 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The informant will be at liberty to file application for cancellation of bail of the petitioner, if the petitioner defaults in making payment on two consecutive occasions.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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