

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45532 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Rajesh Kumar Son of Jai Prakash Singh Resident of Village -
Ghosrama, Police Station - Giriyak, Dist.-Nalanda

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh

For the Opposite Party : Mr. Anil Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 14-05-2015

Petitioner being husband of the informant is

apprehending his arrest in a case registered for the offences under Sections 307, 323, 379, 406, 420, 498A, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment for dowry demand.

On joint prayer of the parties, the matter was referred to the Mediation Centre of the State Legal Services Authority. The report of the Mediator dated 03.03.2015 reflects that the issue could not be resolved between the parties.

The marriage between the petitioner and the informant on 11.12.2008 having no issue is admitted fact.

The petitioner and the informant are present. The petitioner is ready to keep the informant as wife with dignity and honour. A statement to that effect has been made in para 6 of the petition which reads as follows:-

“That the petitioner is ready to keep the informant with due regard but the informant is not ready to live with the petitioner”

The informant is not ready to accept the offer of the petitioner since she is apprehensive due to the past conduct of the petitioner.

In the alternative, the petitioner is ready to make payment of Rs. 1500/- to the informant from June, 2015, by depositing the same in the bank account of the informant by second week of every consecutive month. The aforesaid offer is acceptable to the informant who undertakes to supply her bank account number within a period of three weeks by submitting the same on affidavit before learned Court below.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Nalanda Mahila P.S. Case No. 36 of 2014.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance, or related proceeding.

Three consecutive defaults in making

payment will give liberty to the informant to file appropriate application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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