

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11143 of 2015

Arising Out of PS.Case No. -220 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

Saurabh Singh, Son of Late Rajendra Prasad Singh Resident of House No. 8/180 H.R. Rajendra Bihar Colony, P.S. Lanka, District - Varanasi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sumirity Singh, daughter of Sri Santosh Singh

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 379/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

Though the matter was referred to the Mediation Centre, on joint prayer of the parties, but the report of the mediator, dated 09.07.2015, kept at 'Flag-A', reflects that the dispute, between the parties, could not be resolved, through process of mediation. Initially, the petitioner was ready to keep the informant with dignity and honour but, subsequently, the

informant and the petitioner decided to part ways.

It is submitted by learned counsel for the petitioner that the petitioner will make payment of ₹18,00,000/- (eighteen lacs only), in six equal monthly installments, through bank draft, in favour of the informant, within a period of six months. Out of ₹18,00,000/- (eighteen lacs), the petitioner will submit a bank draft of ₹2,00,000/- (two lacs) before the learned court below, as first installment, on the date he will surrender and execute the bail bonds, the same will be released in favour of the informant by learned court below.

The parties further agree to file appropriate application stipulating the terms of settlement before the learned court below in the present case as no such joint application has been filed before this court. Though, Matrimonial Suit No.215 of 2014 for divorce has already been filed by the petitioner before the Court of Family Judge at Varanasi, but the petitioner undertakes to withdraw the same. The petitioner and the informant both agree to file a fresh matrimonial suit under section 13B of the Hindu Marriage Act before the Principal Judge, Family Court at Ara when the court concern will pass appropriate orders, in accordance with law.

Considering the present stand of the parties, let the

above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bhojpur, Ara in connection with Mahila P.S. Case No.220 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of bank draft of the total ₹18,00,000/- (eighteen lacs) within six months before the learned court below, which will be released in favour of the informant. The learned court below will henceforth proceed in the matter in view of the present stand of the parties.

(Dinesh Kumar Singh, J)

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