

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14809 of 2015

Arising Out of PS.Case No. -1323 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Shiv Patel Son of Rajendra Singh resident of village- Hathiyara, P.S. Deo
Kund, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumar W/o Shiv Patel D/o Udeswar Prasad village- Hathiyara,
P.S. Deokund, District- Aurangabad at present resident at Chhotki
Nawada, P.S.- Delha, District Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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

ORAL ORDER

03/ 07-07-2015

Heard learned counsels for the petitioner and

the State.

The petitioner being the husband of the informant is apprehending his arrest in a complaint case filed with accusation under Sections 498A, 323, 416 the Indian Penal Code and 4 of Dowry Prohibition Act.

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

On a joint prayer of the parties the matter was referred to the Mediation Centre. The report of the Mediator dated 29.06.2015 reflects that opposite party no. 2 never appeared.

It is submitted by learned counsel for

opposite party no. 2 that under mistake he could not intimate to the opposite party no. 2 as a result she could not appear.

The petitioner and the complainant are present in the Court. The petitioner is ready to keep the complainant as wife with dignity and honour. Statement to that effect has been made in para 8 of the petition, which reads as follows:- “That it is submitted that the petitioner and his family member always trying to ready to keep the victim with full dignity and honour and ready to spent all expenses as per his capacity as such the complainant was unable to live with petitioner then the petitioner and his family went to the house of victim’s father on 14.06.2014.”

The complainant is not ready to accept the offer of the petitioner as she is apprehensive due to the past conduct of the petitioner. However, she claims for permanent alimony.

However, for the present the petitioner is ready to pay Rs.1,000/- per month from August, 2015 to the complainant by depositing the same in her account by second week of every succeeding month.

The offer is acceptable to the complainant, who undertakes to supply the bank account number by submitting

the same on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 1323 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail bond 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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