

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9456 of 2015

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Ashwini Kumar Son of Sri Vindhyachal Singh resident of village - Jadwan,
Police Station - Akodhigola, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Kumari D/o Sri Suresh Prasad Singh, wife of Ashwini Kumar
resident of village - Karma Basantpur, P.O. Kataiya, P.S. Simra, District -
Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Shailendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 06-11-2015

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, 406 of the Indian
Penal Code and 3/4 of Dowry Prohibition Act.

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

On submission of learned counsel for the
petitioner that the petitioner is ready to keep the informant as
wife full dignity and honour the petitioner was granted
provisional anticipatory bail for one year vide order dated



27.11.2012 passed in Cr. Misc. No. 41112 of 2012. The provisional bail was to be confirmed by the learned court below on substantial restoration of matrimonial harmony within one year or the wife deliberately refuses to reside with the petitioner or she fails to appear before the learned court below. Thereafter the petitioner renewed his prayer for anticipatory bail vide Cr. Misc. No. 53700 of 2013 which was permitted to be withdrawn vide order dated 12.09.2014. Again the petitioner renewed his prayer for anticipatory bail vide Cr. Misc. No. 35258 of 2014 which was disposed of vide order dated 18.02.2015 with liberty to file appropriate application for modification of the earlier order, consequently the present modification application has been filed.

The matter was referred to the Mediation on the joint prayer of the parties vide order dated 22.04.2015. The report of Mediator dated 31.07.2015 at Flag 'X' reflects that the issue has been resolved between the parties. The terms of agreement bear signatures of both petitioner and the informant.

The petitioner and the informant are present in the Court.

It is submitted by learned senior counsel for the petitioner that the petitioner is still ready to keep the informant

as wife with full dignity and honour, but issue could not be reconciled due to the latches on the part of the informant whereas it is submitted by learned counsel for the informant that the informant was being assaulted when she went to matrimonial house. In the circumstances, the reconciliation is not feasible at present.

In the alternative, the petitioner is ready to make payment Rs.2,000/- per month from December, 2015 to the informant by depositing the same in her account by second week of every month.

The counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

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



Let the learned court below pass appropriate order for release of the petitioner on bail, if the petitioner appears within a period of four weeks from today in connection with Simra P.S. Case No. 17 of 2012 pending in the court of learned Chief Judicial Magistrate, Aurangabad.

Accordingly, this modification application is disposed of.



DKS/

(Dinesh Kumar Singh, J.)

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