

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23929 of 2016

Arising Out of PS.Case No. -549 Year- 2015 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Pappu Sharma son of Sri Baliram Sharma, resident of village- Rampur,
Police Station- Obra, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bandana Kumari wife of Pappu Sharma, D/o Upendra Sharma, resident
of village- Rampur, Police Station- Obra, District- Aurangabad, at present
C/o Sri Bijay Singh, resident of Mohalla- Srikrishna Nagar, Near P.H.D.
Colony, Aurangabad, Police Station- Nagar, Aurangabad, District-
Aurangabad (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

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

ORAL ORDER

5 08-12-2016 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complainant case filed with accusation
under Sections 498A and 406 of the Indian Penal Code and
sections 3 and 4 of Dowry Prohibition Act wherein process has
been directed to be issued after cognizance being taken.

The basic accusation is of torture for non fulfillment of
dowry demands.

It appears that the learned Sessions Judge disposed of



the anticipatory bail application of the petitioner in view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and Ors. Vs. The State of Bihar & Anr. Reported in 2015(3) PLJR 806 (Cr. Misc. No. 51075 of 2014) but in view of the fact that subsequently non-bailable warrant of arrest was issued on 16.5.2016, notices were issued to O.P. No. 2.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant having no issue but at present the petitioner is not ready to keep the complainant.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life.

It appears that vide order dated 22.9.2016, on the joint prayer of the parties, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority. The report of the Mediator dated 18.10.2016 at Flag C reflects that the issue could not be resolved through the process of mediation. However, learned counsel for the petitioner submits that the issue has now been resolved in terms of payment of one time settlement amount. In the circumstances the petitioner is ready to make payment of Rs.6000/- per month from March, 2017 by depositing the same in the bank account of the complainant by second week of every



month. Learned counsel for the complainant, on instructions, submits that the complainant is ready to accept the offer of the petitioner and undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the fact that the issue could not be resolved through mediation, the present stand of the parties and with a view to save the complainant from vagrancy and destitutes with lurking hope of the issue being reconciled in future, let the above named petitioner be released on anticipatory bail in the event of 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 SDJM, Aurangabad in connection with Complaint Case no. 549 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

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

The present order will, in no way, preclude the



parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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