

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7100 of 2016

Arising Out of PS.Case No. -20 Year- 2015 Thana -MAHILA PS District- KHAGARIA

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1. Kedar Pandit Son of Late Baldeo Pandit
 2. Mithilesh Pandit S/o Kedar Pandit Both are resident of village- Simri Tola Barahkurba, P.S. Simri Bakhtiyarpur, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari D/o Anil Pandit, resident of village- Dan Nagar, Ward No. 5, P.S. + District- Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram
For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 25-10-2016 The petitioner No. 2 being husband of the informant and petitioner No. 1 being father of petitioner No. 2 are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioners that petitioner No. 2 admits his marriage with the informant and birth of a child. Though the petitioner No. 2 also admits that he has performed second marriage but he has already left the second wife and ready to keep the informant with dignity and honour.

On the joint prayer of the parties, the matter

was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 16.08.2016. The report of the Mediator at Flag-X dated 19.10.2016 reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the informant that since petitioner No. 2 has performed second marriage and there is a child also from the second marriage, hence informant is not ready to reside with the petitioner No. 2. Moreover petitioner No. 2 is not making payment of the maintenance amount as directed in the maintenance proceeding regularly.

Considering the inconsistent stand of the petitioner No. 2, it appears that the issue is not likely to be resolved at present.

In the circumstance, let learned Court below consider the prayer for bail of the petitioner No. 2 namely Mithilesh Pandit, if he surrenders within a period of six weeks in connection with Khagaria Mahila P.S. Case No. 20 of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Khagaria.

Considering the fact that thrust of accusation is against the husband of the informant, let the petitioner No. 1 namely Kedar Pandit, 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 Sub-Divisional Judicial Magistrate, Khagaria in connection with Khagaria Mahila P.S. Case No. 20 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

With the observations above, the application with regard to petitioner No. 2 stands disposed of.

(Dinesh Kumar Singh, J)

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