

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6400 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -NATWAR District- SASARAM (ROHTAS)

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1. Anjani Kumar @ Banty S/o Sri Ashok Kumar Rai R/o Vill. - Natwar,
P.S. - Natwar, Distt. - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Anamika W/o Sri Anjani Kumar @ Banti daughter of Sri Janardan
Singh R/o Vill. - Natwar, P.S. - Natwar, Distt. - Rohtas at present Raghu
Niketan, Donwar Kothi, Katira, Maula Bagh, Ara, P.S. - Ara, Distt. -
Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Pranav Kumar(App)

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

4 05-09-2016 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341,323,504,506 and 498A of the
Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that
the petitioner filed Matrimonial Case No. 271 of 2014 with a
prayer for divorce on 10.12.2014 and, thereafter, the present case

was filed on 20.9.2015 though the informant has also filed Matrimonial Suit No. 366 of 2015 for restitution of conjugal life.

The matter was referred for mediation on the joint prayer of the parties vide order dated 27.6.2016. The report of the Mediator at Flag A dated 2.9.2016 reflects that due to paucity of time the mediation could not proceed hence request was made for extending the period of mediation.

It is submitted by learned counsel for the petitioner that the petitioner is not ready to keep the informant.

It is submitted by learned counsel for the informant that there is no likelihood of the issue being reconciled. In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 2500/- per month from October, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the filing of matrimonial suit at the earlier point of time and the present stand of the parties, 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 JM Ist Class, Bikramganj in connection with Natwar P.S. Case No. 58 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 informant 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)

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