

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20434 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -KATEYA District- GOPALGANJ

1. Nagendra Tiwari son of B.N. Tiwari resident of village- Prahladuwa, P.S. Kataiya, District Gopalganj, Presently residing at Quarter No. 13/C. Road No. 8. Sector No. 7, Bhilai, ditrict Durg, (Chhatisgarh).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Ashraf Ansari (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-09-2016 The matter has been listed under the heading ‘For Orders (on office notes) awaiting service report of the notice issued to O.P. No. 2 but since the petitioner and O.P. No. 2 entered appearance, this matter is being taken up on merits.

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 498A and 406 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.

The petitioner and the informant are present in court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant on 27.4.2013 but subsequently due to apathetic attitude of the informant the petitioner filed Matrimonial Suit No. 106A of 2015 before the Family Court, Durg, Chhatisgarh as he is settled in Chhatisgarh on 9.7.2015 wherein notices were issued on 24.7.2015 to O.P. No. 2 and, thereafter, on 19.9.2015 the present FIR was registered, hence, in the circumstances, the reconciliation, at present, is not feasible.

It is submitted by learned counsel for the informant that after marriage the informant gave birth to a female child and thereafter torture was inflicted and she was driven out of the matrimonial house. At present she is ready to resume the conjugal life though admits that she could not appear in the matrimonial suit at Durg since she is resident of Gopalganj and is financially handicap in traveling so far but undertakes to appear in the matrimonial suit.

Learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 2500/- per month





from November, 2016 by depositing the same in the bank account of the informant by second week of every month. The petitioner is further ready to make one time payment of Rs.10,000/ (ten thousand) as litigation cost within four months to the O.P. No. 2. 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 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 CJM, Gopalganj in connection with Kateya P.S. Case No.234 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, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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