

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33120 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -KAMTAUL District- DARBHANGA

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1. Md. Imteyaz Alam Son of Md. Mobarak Ansari Resident of Village -
Umgoan, P.S. Harlakhi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Raunak Parveen Daughter of Ajharul Islam Resident of village - Tektar,
P.S. Kamtaul, District - Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 17-10-2016 Heard learned counsel 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, 323/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that though the marriage is admitted between the petitioner and the informant, but since the bride was changed, hence the marriage was never consummated.

It is submitted by the learned counsel for the



informant that marriage between the petitioner and informant being solemnized on 16.08.2014 is admitted. The First Information Report was registered on 12.01.2015. The stand of the petitioner that bride was changed has been taken for the first time in the bail application, though, the Maintenance Case No. 175 of 2014 was filed by the informant on 05.12.2014.

On the joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 29.04.2016. The report of the Mediator at Flag-O, dated 28.06.2016 reflects that the mediation could not succeed due to non-appearance of the petitioner. Thereafter the matter was adjourned on the prayer of the parties for resolving the issue on payment of one time settlement amount, but the issue could not be resolved as the differences persisted on the quantum of one time settlement amount.

It is submitted by the learned counsel for the informant that informant is ready to resume the conjugal life. However, it is submitted by learned counsel for the petitioner that under the circumstances mentioned above, the petitioner is not ready to keep the informant.

Keeping in view of the inconsistent stand of the petitioner and the informant, let the learned court below

consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Kamtaul P.S. Case No. 07 of 2015, pending in the court of learned J.M., Ist Class, Darbhanga.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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