

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32563 of 2015

Arising Out of PS.Case No. -238 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Ravish Ranjan S/o Ram Naresh Prasad Resident of Village Fatha, P.S.
Warsaliganj, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Advocate

For the Opposite Party/s : Mr. Ataur Rahman(App)

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

ORAL ORDER

7 02-05-2016 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, 406, 307, 506 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.

The petitioner and informant are present.

It is submitted by the learned counsel for the
petitioner that petitioner admits the marriage with the
informant on 28.06.2012. The petitioner is Commandant in
C.R.P.F., but the marriage somehow rather could not succeed
and ultimately the petitioner filed Matrimonial Suit No. 5319 of

2014 on 05.05.2014 before the Principal Judge, Family Court, Patna and thereafter the present First Information Report was registered on 27.05.2015. Under the circumstances, the petitioner is not in a position to keep the informant at present.

It is submitted by the learned counsel for the informant that informant was driving out from the matrimonial house and for non reason the petitioner is not ready to keep the informant. The informant is still ready to resume the conjugal life with the petitioner. The malicious attitude of the petitioner gets reflects from the fact that filing of the present case the petitioner gave a matrimonial advertisement in Maa Shakti Marriage Bureau.

It is further submitted by the learned counsel for the petitioner that petitioner never gave any matrimonial advertisement to any marriage bureau and is ready to make payment of Rs. 15000/- (fifteen thousand) per month from June, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of three weeks.

Considering the present stand of the parties and with a lurking hope that the issue may reconcile, though the matter was referred to the Mediation Centre of Bihar State Legal Services Authority vide order dated 25.02.2016, but the

report of the Mediator at Flag-B reflects that issue could not be resolved.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 238 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the informant within a period of three weeks when it is expected from the informant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

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

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

It is expected from the petitioner not to perform second marriage till the present marriage is dissolved, but if the informant brings on record the substantive proof of the second marriage then the learned court below will be at liberty to

cancel the bail bonds of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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