

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35432 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -DAUDNAGAR District- AURANGABAD

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Rajesh Kumar @ Rojesh Kumar S/o of Hari mohan Prasad Sinha

.... Petitioner/s

Versus

1. The State of Bihar.

2. Asha Kumari D/o Sri Hriday Narayan Mehta

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-03-2016 Heard learned counsels for the petitioner, informant and
the State.

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

Basic accusation is of torture for non-fulfillment of dowry demand.

Petitioner and the informant are present.

Learned senior counsel for the petitioner submits that the petitioner admits his marriage with the informant but it is contended that the girl shown prior to marriage was changed.

Though, on joint prayer of the parties, vide order dated 06.11.2015, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority. The report of the Mediator

dated 05.01.2016, kept at 'Flag-M', reflects that the petitioner is ready for payment of one time settlement, on dissolution of marriage whereas the informant is only ready for resuming the conjugal life.

It is further submitted by learned senior counsel for the petitioner that the petitioner is ready to make payment of permanent alimony to the informant as the distress has reached to a level where reconciliation is not feasible.

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner.

But the manner in which the informant has conducted herself towards the senior counsel for the petitioner, this Court also feels that reconciliation is not feasible.

Under the circumstances, 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 12 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 the learned SDJM, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No.118/2015 , subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioner is still ready to make payment of Rs.3000/- per month to the informant from April, 2016 by

depositing the same in the bank account of the informant by second week of every month.

Since, the offer of the petitioner is not acceptable to the informant, let the petitioner deposit the said amount before the learned Court below, which will be subject to result of the case. The said amount will be deposited in some fixed deposit scheme in connection with the present case.

However, it is made clear if any application is filed by the informant before the learned Court below for receiving of the said amount, the same will be released in favour of the informant.

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 not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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