

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44744 of 2015

Arising Out of PS.Case No. -105 Year- 2015 Thana -MANIYARI District- MUZAFFARPUR

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Sailesh Raushan @ Sales Roushan Son of Sri Upendra Nath Sharma, R/o Vill. - Purusottampur, P.S. - Maniyari, District - Muzaffarpur, presently R/o C/o Prashant Gaurav, Raj Singh 214-A, 4th Floor, Room No. 17, Munirka, P.S. - Munirka, New Delhi, Pin Code 110067.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Apurva Gautam, D/o Ram Babu Tiwari, R/o Vill. - Khabra, Mohalla - Sri Krishna Nagar, P.S. - Sadar, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

08/ 05-05-2016

Heard learned counsels 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/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The marriage between the petitioner and the informant is admitted.

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 08.10.2015.

The report of the Mediator dated 03.12.2015 at Flag 'A' reflects that the dispute between the parties could not be resolved through the process of mediation. Hence, at present it does not appear that the issue likely to be reconciled between the parties.

The petitioner and the informant are present in the Court.

The informant has filed an application under Domestic Violence Act being C.847 of 2015 wherein interim order has been passed on 28.04.2016 whereby the petitioner was directed to provide proper and safe accommodation to the informant in their house or in separate house if the informant so wants. The petitioner is also directed to keep the informant with dignity and honour and pay Rs.5,000/- per month for her maintenance. The payment has to be made by or on 15th day of every month by depositing the same in the bank account of the informant.

Counsel for the petitioner submits that the petitioner is ready to comply the order passed in Domestic Violence Act.

In the circumstances, until the said order passed



in Domestic violence case is modified by any superior court or till disposal of the matrimonial suit the petitioner will pay the same amount to the informant.

Counsel for the informant submits that the informant accepts the offer of the petitioner and has already submitted the bank account number 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 his 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 Sub-divisional Judicial Magistrate (West), Muzaffarpur in connection with Maniyari P.S. Case No. 105 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file 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.)