

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49584 of 2014

Arising Out of PS.Case No. -21 Year- 2013 Thana -MAHILA P.S. District- MUNGER

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Satyendra Kumar Son of Nageshwar Yadav Resident of Village -
Surajpura, Katehar Mali tola, P.S.- Suryagraha, District- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

11 29-08-2016 Heard learned counsels for the petitioner 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/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

The petitioner and informant are present in the Court.
The petitioner is clerk in the Indian Air Force.

It is submitted by the learned counsel for the petitioner that that the petitioner admits his marriage with the informant and birth of a female child. The petitioner made effort to reconcile the issue and after filing of Matrimonial Suit No. 42 of 2011 with a

prayer for divorce, the petitioner took the informant to her matrimonial house but issue could not be resolved due apathetic attitude of the informant.

On the joint prayer of the parties, the matter was referred to the Mediation & Reconciliation Centre of Bihar State Legal Services Authority vide order dated 10.03.2016. The interim report of the Mediator dated 28.04.2016 suggests that issue could not be resolved due to paucity of time, hence the prayer was made for grant of some more time as there was some element of settlement of dispute but on the prayer of the parties, the matter is again taken up on merits as it is submitted on behalf of the petitioner that in the present scenario, the petitioner is not ready to keep the informant, however, the petitioner is making payment of ₹7,500/- per month to the informant by depositing the same in her bank account and the petitioner is also ready to increase the said amount by ₹12,500/- per month to the informant from October, 2016 by second week of every month by depositing the same in the bank account of the informant.

It is submitted by the learned counsel for the informant that the informant is ready to resume the conjugal life. The petitioner filed matrimonial suit with a prayer for divorce on frivolous grounds. The issue could not be resolved due to apathetic

attitude of the petitioner. Moreover, the informant is ready to accept the enhanced payment of ₹12,500/- per month.

Considering the rival submissions of the parties, filing of matrimonial suit at earlier point of time and 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Munger Mahila P.S. Case No. 21 of 2013, 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, maintenance or any other connected 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)

Amrendra/-

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