

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29498 of 2016

Arising Out of PS.Case No. -98 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

Prakash Kumar Ojha, Son of Arbind Kumar Ojha, resident of Muhalla-
Maruti Nagar, Police Station- Ara in the district of Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Minu Devi, W/o- Prakash Kumar Ojha, D/o- Tarkeshwar Chaube,
resident of Muhalla- Maruti Nagar, Police Station- Ara, in the district of
Bhojpur, at present Resident of Village- Baghi Pakad, Police Station-
Muffasil in the district- of Bhojpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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

ORAL ORDER

06/ 19-11-2016

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, 494/34 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 and performing second
marriage.

On the joint prayer of the parties the matter was
referred to the Mediation and Conciliation Centre of the State

Legal Services Authority. The report of the Mediator dated 01.09.2016 at Flag 'M' reflects that the issue could not be resolved through the process of the mediation.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, but now the issue has been resolved between the parties. A joint affidavit to that effect has been filed which stipulates that the petitioner is ready to make payment of Rs.6,00,000/- (Six lakhs) as one time settlement amount and get the marriage dissolved through filing a matrimonial suit under Section 13B of the Hindu Marriage Act. Out of Rs.6,00,000/- (Six lakhs), Rs.1,00,000/- (One lakh) has been paid and rest Rs.5,00,000/- (Five lakhs) has been paid in five installments.

Counsel for the informant does not controvert the agreement arrived at between the parties and receiving of Rs.1,00,000/- (One lakh) and hence, he is not opposing the bail of the petitioner.

Considering the aforesaid facts, 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, Bhojpur at Ara in connection with Mahila
P.S. Case No. 98 of 2016, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J.)

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