

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52641 of 2015

Arising Out of PS.Case No. -142 Year- 2015 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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1. Rudal Prasad sonof Late Baldeo Prasad, resident of Village- Milki Par,
Police Station- Ekangarsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. R.P.S.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-04-2016 Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 341, 323, 498A/34 of the Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but the petitioner has doubt about the bona fide of the birth of the female child. Hence, it is prayed that DNA matching of the child with the petitioner be made for which the informant is not agree. The informant is ready for resumption of the conjugal life for which, at present the petitioner is not ready without having DNA matching of the child with the petitioner. In the circumstance, the conciliation, at present

does not appear to be feasible.

The matter was referred to the Mediation Centre of the State Legal Services Authority vide order dated 10.11.2015. The report of the Mediator at Flag-A reflects that the issue between the parties could not be resolved through the process of mediation

In the alternative, the petitioner is ready to make payment of Rs. 2000/- per month to the informant from June, 2016, by depositing the same in the bank account of the informant by 2nd week of every consecutive month. It is submitted by learned counsel for the informant that the offer of the petitioner is acceptable to the informant who undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of four weeks from today.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, 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, Hilsa, Nalanda in connection with Ekangarsarai P.S. Case No. 142 of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate 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)

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