

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54312 of 2015

Arising Out of PS.Case No. -53 Year- 2013 Thana -MAHILA P.S. District- LAKHISARAI

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1. Amar Jyoti @ Pinku Son fo Chakravarti Choudhary resident at Nand Lal Mishra Lan, Surkhikal , Bari khanjapur, P.s Barari, district Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rakhi Kumari Daughter of Dinesh Singh resident of Village & P.o- Gangasarai, P.s Barahiya, District Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 28-06-2016 Heard learned counsel 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, 406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

The petitioner and informant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant on 11.07.2013, but just within five months of the marriage the present First Information Report was lodged on 06.12.2013. Subsequently, the informant also filed

Miscellaneous Case No. 04 of 2014 under Sections 12, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 which is pending and no order has been passed.

Petitioner and informant are present in the Court.

The matter was referred to the Mediation Centre of the Bihar State Legal Services Authority vide order dated 01.12.2015. The report of the Mediator dated 21.01.2016 reflects that the issue could not be resolved through process of mediation.

It is submitted by the learned counsel for the informant that mediation failed as there was dispute with regard to quantum of permanent alimony. The informant claims that the petitioner is Senior Manager in some Private Company, whereas the counsel for the petitioner denied the fact that right now the petitioner is unemployed. It is further submitted that informant has filed a petition under Protection of Women from Domestic Violence Act, 2005 as stated that she has a life threatening at the hands of the petitioner, hence the reconciliation does not appear to be feasible at present. Ultimately the petitioner filed Matrimonial Suit No. 346 of 2015 with a prayer for divorce.

In the alternative, the petitioner is ready to make payment of Rs. 4,000/- per month from August, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of two weeks.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Lakhisarai in connection with Lakhisarai Mahila Police Station Case No. 53 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

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

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