

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26731 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -MAHILA P.S. District- SEKHPURA

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1. Ganesh Yadav son of Biro Yadav Resident of Village -Dullapur, P.O. Audhe, Police Station and District Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Chandra Bose

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-11-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 323, 379, 498A, 307/34 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 27 of the Arms Act.

The basic accusation is of torture and making assault to the informant for non-fulfilment of dowry demand and driving out the informant from the matrimonial house.

The petitioner is present in the Court, however, it is submitted by learned counsel for the informant that informant could not appear before this Court as she has no proof of identity.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant. The petitioner is a labourer and at present working

at Gandhi Nagar, Gujrat. The petitioner is ready to keep the informant with full dignity and honour. The petitioner made several attempts to resume the conjugal life but the informant declined to accept the offer of the petitioner. A statement to that effect has been made in para 15 of the petition which reads as follows:-

“That the petitioner, who wanted to lead peaceful conjugal life, has been continuously requesting the complainant to live with him but the complainant has been completely declining his request. The petitioner has even sent some amount out of his earning in the account of the complainant.”

It is further submitted that similar was the stand of the petitioner before learned Court below but there also the informant declined to accept the offer of the petitioner which gets reflected from the impugned order.

It is submitted by learned counsel for the informant that informant is not ready to accept the offer of the petitioner due to the past conduct of the petitioner.

It is further submitted by learned counsel for the petitioner that, in the alternative, petitioner is ready to make payment of Rs. 1800/- per month to the informant from January, 2017, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the

informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of four weeks.

Considering the present stand of the parties, in order to save the informant from destitution and vagrancy with a lurking hope that the issue may be reconciled in future, 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 Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Mahila) P.S. Case No. 20 of 2016.

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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