

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12801 of 2016

Arising Out of PS.Case No. -112 Year- 2015 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

Sarvesh Kumar Nirala Son of Chandra Abha Kumar @ Rajendra Paswan,
resident of Village Jamalpur P.S. Tharthari, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/o Sarvesh Kumar Nirala, D/o Kapildeo Paswan R/o village – Koranwa, P.S. Chiksaura (Hilsa), District – Nalanda. At present Gardanibagh Railway Colony Gali No. 6 Patna P.O. + P.S. – Gardanibagh Patna, District – Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangiv Kumar

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 04-10-2016

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 341, 323, 307, 504, 498A, 379/34 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. It is further alleged that co-accused Satish and Chandra Abha Kumar assaulted the father and brother-in-law of the informant with iron rod on the head and snatched gold chain.

It is submitted by learned counsel for the petitioner that the accusation is of assault is not against the petitioner. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That there is no specific allegation of torture and demand of dowry has been levelled against the petitioners, allegations are omnibus. He is ready to keep her but she is not ready there is no chance of settlement with her.”

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 02.08.2016. The report of the Mediator at Flag ‘X’ dated 22.09.2016 reflects that the issue could not be reconciled through the process of mediation.

Learned counsel for the petitioner submits that now the petitioner is not ready to keep the informant as wife. However, petitioner is ready to make payment of



Rs.5,000/- per month from November, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to resume the conjugal life. However, the informant is also ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Tharthari P.S. Case No. 112 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

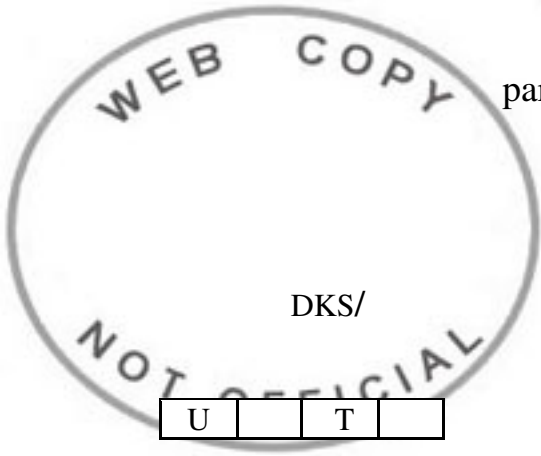
The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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.)