

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12531 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Shubh Kirti, Son of Brij Kishore Pandey, Residents of Village- Kasap, P.S.- Udwant Nagar, District- Bhojpur at Ara presently residing at 69 1st Floor, Chitra Vihar, Delhi- 110092.

.... Petitioner/s

Versus

1. The State of Bihar
2. Malti Kumari D/o Surendra Nath Mishra, W/o Shubh Kirti, Residents of Village and P.S.- Aayar, District- Bhojpur at Ara, presently residing At Mohalla- Bajari Mohalla, Ward No. 43, Near Sky Lark School, P.S- Nawada, District- Bhojpur at Ara.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. B.Ram(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 26-09-2016 The matter has been listed under the heading "For Office Note" on the interim report of the Mediator at Flag-A dated 20.09.2016 for extending the period of mediation but on the joint prayer of the parties, the matter is being taken up on merits.

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

The petitioner and the informant are present in the Court.

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



It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue but petitioner has filed H.M.A No. 1970 of 2014 before learned Principal Judge, Family Court, Karkardoomat, Delhi with a prayer for dissolution of marriage on 20.09.2014 and thereafter the present complaint was filed on 04.06.2015 which came to be registered as police case on 06.07.2015. Hence, in the circumstances, the petitioner is not ready to keep the informant at present.

However, in the alternative, the petitioner is ready to make payment of Rs. 5000/- per month to the informant from November, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month. The petitioner further undertakes to allow the informant to reside in the house of the petitioner situated in Ara town.

It is submitted by learned counsel for the informant that informant is still ready to resume the conjugal life. However, in the circumstances stated above, the informant is also 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 three weeks.

Considering the present stand of the parties and the filing of the matrimonial suit at earlier point of time, 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, Ara in connection with Ara Mahila P.S. Case No. 116 of 2015 (Arising out of Complaint Case No. 1089 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)

Shageer/-

U		T	
---	--	---	--