

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46932 of 2015

Arising Out of PS.Case No. -128 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

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Deepak Kumar Singh @ Deepak Kumar, S/o Nawal Kishore Singh, resident
of village- Jarouli, Police Station-Pipra, District- Supoul

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi @ Nitu Kumari, W/o Deepak Kumar Singh @ Deepak
Kumar, D/o Sri Chaturbhuj Prasad Singh, resident of village and Post
Office- Tumaul, Police Station- Ghanshyampur, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

5 16-05-2016 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, 341, 504 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 19.05.2014 but somehow other the relation went
sour between two leading to filing of Matrimonial Case No. 29 of
2014 with a prayer for divorce as contained in Annexure-2 on



17.12.2014, but the same was permitted to be withdrawn since the application was premature. Thereafter, the other Matrimonial Case no. 39 of 2015 as contained in annexure-3 was filed on 04.08.2015 with same prayer and the First Information Report was registered on 20.06.2015. Though, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority on the joint prayer of the parties, but the report of the Mediator at Flag-M dated 10.05.2016 reflects that instead of best effort the issue could not be resolved through the process of mediation.

The petitioner is not ready to keep the informant in the background of divergent delectance between two.

However, informant is still ready to lead the conjugal rights with the petitioner. In the alternative, the petitioner is ready to make payment of Rs. 2,000/- per month from June, 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 three weeks. Moreover the informant is not opposing the prayer for bail of the petitioner.

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, Darbhanga in connection with Ghanshyampur Police Station Case No. 128 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the informant within a period of three weeks when it is expected from the informant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

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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