

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17600 of 2016

Arising Out of PS.Case No. -423 Year- 2015 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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Bal Mukund Chand Son of Rana Pratap Chand @ Raja Pratap Chand

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Indiwari Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 419,420 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. It is further submitted that due to the threat given by the informant to the petitioner and his family members the petitioner has filed Informatory Petition Nos.724/2013 and 299/15 on 22.02.2013 and 20.02.2013 much before filing of the present case.

This Court vide order dated 29.08.2016, on joint prayer of the parties, referred the matter to the Mediation Centre of Bihar State Legal services Authority. The report of the mediator dated 18.10.2016 kept at "Flag-B" reflects that the issue could not be resolve through the process of mediation.

The informant and the petitioner are present before this Court.

It is submitted by learned counsel for the petitioner that in alternative the petitioner is ready to make payment of Rs.3,000/- per month to the informant from December, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month.

The counsel for the informant, on instruction, submits that the informant is 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 four weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-5, Begusarai,

in connection with Sahebpur Kamal P.S. Case No.423/2015 ,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

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

Three consecutive defaults in making payment by the
petitioner will give liberty to the informant to file an application
for cancellation of bail of the petitioner.

The present order will not preclude the parties to
reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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