

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8979 of 2016

Arising Out of PS.Case No. -729 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

- =====
1. Jai Prakash Singh son of Late Fuldeo Singh
2. Malati Devi @ Malati Singh Wife of Jai Prakash Singh Both are resident of village- Sanchipatti- Narayani, P.S.- Hajipur- Town, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari

.... Opposite Party/s

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with
Criminal Miscellaneous No.30338 of 2016

Arising Out of PS.Case No. -729 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

- =====
1. Dhandeo Prakash Son of jai Prakash Singh resident of village- Sanchipatti-Narayani,Police Station-Hajipur-Town

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari

.... Opposite Party/s

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Appearance :
(In Cr.Misc. No.8979 of 2016)
For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. R.P.S.Singh(App)
(In Cr.Misc. No.30338 of 2016)
For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 13-12-2016 Heard learned counsels for the petitioners, informant and the State.

The petitioner Dhandeo Prakash being husband of the informant and petitioners Jai Prakash singh and Malti Devi being



parents of petitioner Dhandeo Prakash are apprehending arrest in a case registered for the offences punishable under Sections 498A and 307/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The petitioner and the informant are present in court.

The prosecution case is that the informant was married with petitioner Dhandeo Prakash in 2012 but subsequently further demand of dowry was made, as a result the relationship got strained. Though the issue was reconciled for some time but thereafter again torture was inflicted, the informant was assaulted on 26.9.2015 and thereafter the parents in law after pouring kerosene oil, lit the fire but on alarm being raised the informant's brother and other family members came then she could be saved.

It is submitted by learned counsel for the petitioners that the marriage between the informant and petitioner Dhandeo Prakash is admitted having no issue. The last date of occurrence alleged is 26.9.2015 whereas the medical report brought on record is dated 26.9.2015 itself which reflects superficial simple injury caused by hard and blunt substance as altogether three injuries – one is contusion, second is pain and the other is multiple abrasion on the left hand. Hence, the medical report brought on record by the informant does not corroborate the accusation, particularly, the



accusation of litting fire.

Vide order dated 8.8.2016, the matter was referred to the Mediation and Conciliation Centre of Bihar State Legal Services Authority on the joint prayer of the parties and the issue got reconciled during mediation as both sides decided to resume the conjugal life which gets reflected from the report of the mediator at Flag – A dated 7.9.2016 but subsequently the informant maliciously levelled accusation that on the day the issue was being reconciled before the Mediation Centre, she was being assaulted by the petitioners. It is further submitted that an intimation in this regard was given to the Senior Superintendent of Police on 7.9.2016.

Be that as it may, learned counsel for the petitioner submits that the petitioner Dhandeo Prakash is ready to keep the informant with due dignity and honour. Statement to that effect has been made in paragraph 7 of Cr. Misc. No. 30338 of 2016 which reads as follows:

“That the petitioner is being a husband always ready to keep his wife/informant with full dignity and honour.”

It is submitted by learned counsel for the informant that in spite of the fact that she was being tortured and attempt was made to cause burn injury, during mediation the informant agreed



to reconcile the issue but on the same day after coming out of Mediation Centre the petitioner Dhandeo refused to take her to matrimonial house, thereafter she was being assaulted by the petitioners and others. Since the local police refused to register FIR hence the information was transmitted through registered post to the Senior Superintendent of Police, Patna. In such circumstances, the informant is not ready to resume the conjugal life or to accept the offer of the petitioner Dhandeo Prakash. Learned counsel for the petitioner Dhandeo Prakash further submits that though he is ready to keep the informant as wife but if she is not ready to accept the offer, petitioner Dhandeo Prakash is ready to make payment of Rs. 2500/- per month to the informant from January, 2017 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the inconsistent stand of the informant, keeping in view the present stand of the petitioner Dhandeo Prakash and also the fact that his present stand will save the informant presently from destitution and vagrancy with lurking



hope that the issue will be reconciled in future, let the above named petitioners be released on anticipatory bail in the event of 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) each with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 729 of 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 Dhandeo Prakash will give liberty to the informant to file an application for cancellation of his bail.

The present order will, in no way, preclude the informant and her husband to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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