

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2817 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -KALUAHI District- MADHUBANI

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1. Ajay Kumar Panjiyar @ Ajay Panjiyar, Son of Late Harischandra Panjiyar, Resident of Village - Narar Kothi Chowk, P.S. Kaluahi, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Devi, Wife of Ajay Kumar Panjiyar, At present resident of village - Dhakjari, P.S. - Arer, District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 25-10-2016

Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 147, 341, 323, 498A, 504, 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant. Though the initial stand of the petitioner was that petitioner is ready to keep the informant with full dignity and honour, a statement to that effect was made in para 7 of the petition which reads as follows:-

“That the petitioner is ready and willing to keep the informant with all human dignity and honour as per his status.”

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 28.07.2016. The report of the Mediator at Flag-B reflects that the issue could not be resolved through the process of mediation.

It is further submitted by learned counsel for the petitioner that in the alternative, petitioner is ready to make payment of Rs. 3000/- 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.

It is submitted by learned counsel for the informant that informant is 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 four weeks.

Considering the present stand of the parties, 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 Judicial Magistrate,

1st Class, Madhubani in connection with Kaluahi P.S. Case No. 03 of 2015.

The above mentioned 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.

Shageer/-

(Dinesh Kumar Singh, J)

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