

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9717 of 2016

Arising Out of PS.Case No. -46 Year- 2015 Thana -MAHILA PS District- GAYA

Janardhan Prasad @ Janardhan Kumar son of Umesh Kumar resident at
Mohalla Alinagar Police Station Biharsharif, Distt. Nalanda.

.... Petitioner/s

Versus

1The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Md.Arif (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 25-10-2016

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

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

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

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant but due to mental abrasion of the informant,

petitioner filed Matrimonial Suit No. 299 of 2015 and thereafter the present FIR was registered.

On the joint prayer of the parties, the matter was referred to the Mediation Centre and Conciliation Centre of State Legal Services Authority vide order dated 01.04.2016. The report of the Mediator dated 15.07.2016 at Flag 'A' reflects that the matter could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that at present situation the petitioner is not ready to keep the informant as wife.

Counsel for the informant submits that the informant is ready to resume the conjugal life.

In the alternative, the petitioner is ready to make payment of Rs.2,000/- per month from December, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant 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 his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Mahila P.S. Case No. 46 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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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