

**Arising from**

**=====**

**1. Pravin**

**Mahesh**

**present**

**BTM la**

1. Pravin Singh S/o Sri Ganesh Prasad Singh permanent resident of Mohalla Mahesh Nagar, Road No. 2, P.S. Patliputra, District & Town Patna at present resident at House No. 46 B, First Floor, 24th Lane, Third A Cross, BTM lay out, 2nd Stage, Bangalore.

Versus

2. Sadhu Sharan, S/o Tapeswar Thakur, resident of Basra (Benipur) P.S.-  
Vaishali, District- Vaishali (Bihar)

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan Prasad, Advocate

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

14    21-07-2016                 Heard learned counsel for the petitioner and the  
State.

The petitioner being the husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 307, 406, 379 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the petitioner got married with the daughter of the informant Savita Singh on



17<sup>th</sup> of April, 2009, but merely after marriage, the torture was inflicted for non fulfillment of dowry demand of Rs.25,00,000/-. Though, the petitioner took the daughter of the informant to Banglore, but there also the torture was inflicted and thereafter the petitioner use to get the employment abroad in different countries. It is further alleged that the sister of the petitioner Jyoti Kumari assaulted the daughter of the informant with iron rod.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the daughter of the informant and made serious attempt to reconcile the issue. The informant's daughter was staying in the rented house at Banglore which was maintained by the petitioner. But all of sudden, the informant's daughter vacated the house and brought all the articles with her. The petitioner at present is employed in United State under assignment of one year i.e. till May, 2017. It is further submitted that on conclusion of investigation sister of the petitioner was not sent up for trial. However, the petitioner was charge-sheeted under Sections 498A and 406 of the Indian Penal Code. Accordingly, the order of cognizance was passed.

The learned counsel for the petitioner has made an alternative submission to the effect that the petitioner is ready to make payment of Rs. 15,000/- (fifteen thousand) including five thousand being paid from before per month from August,

2016 to the informant by depositing the same in her account by second week of every succeeding month.

It is submitted by the learned counsel for the informant that the torture was inflicted by the petitioner and the matter got adjourned at the behest of the petitioner since last more than a year on one pretext or the other. The petitioner obstructed the reconciliation process. Though, it is admitted position that the petitioner is making payment of Rs.5,000/- per month since May, 2015. The daughter of the informant is still ready to resume the conjugal life.

Considering the rival submission of the parties, it appears that the matter has been adjourned since last more than a year to get the issue reconcile.

On the joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of the Bihar State Legal Services Authority vide order dated 30.11.2015. But the report of the Mediator dated 14.12.2015 at Flag-E reflects that the issue could not be resolved through process of mediation. There is no doubt that the issue could not be resolved due to shifting stand of the petitioner, but keeping in view of the fact that there is no chance of reconciliation at present and in order to save the daughter of the informant from vagrancy and destitution, this Court is ready to consider the alternative submission of the counsel for the petitioner as no useful purpose will be served in putting the petitioner behind

the bar.

Learned counsel for the Informant further submits that daughter of informant is ready to accept the offer of the petitioner and her bank account number is already with the petitioner.

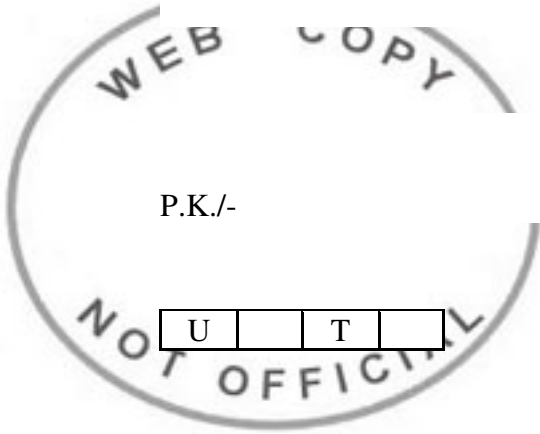
Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur, Vaishali Police Station Case No. 14 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

It is expected from the learned court below to conclude the trial expeditiously. If the learned court below feels that the trial is impeded due to laches on the part of the petitioner, the learned court below will be at liberty to cancel the bail bond of the petitioner.

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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