

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34234 of 2015

Arising Out of PS.Case No. -359 Year- 2015 Thana -PHULWARI District- PATNA

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Navnish Saurabh S/o Shri Vinod Kumar Resident of Mohalla Purnendu
Nagar (Khoja Imli), Town and P.S. Phulwarisharif, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Lallan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 28-04-2016 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 Section 498A of the India Penal Code and
Section 34 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of
dowry demands.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the informant and since the
opposite party no. 2 is suffering from Paranoid Schizophrenia,
petitioner filed Matrimonial Suit No. 6046 of 2014 with a prayer
to declare his marriage void. Subsequently, on 24.03.2015, Sanha
No. 1099 of 2015 was lodged at Phulwarishariff Police Station at

the behest of father of the petitioner and thereafter the present case being Phuulwarishariff P. S. Case No. 359 of 2015 was lodged on 22.05.2015.

This Court vide order dated 22.01.2016, on the joint prayer of the parties, referred the matter to the mediation Centre of Bihar State Legal Services Authority. The report of the mediator dated 15.03.2016 kept at Flag-M reflects that mediation failed since the petitioner is not ready to live with opposite party no.2, whereas the opposite party no. 2 is ready to resume the conjugal life.

It is further submitted by the learned counsel for the petitioner that keeping in view of the past conduct of the informant, it is difficult for the petitioner to reconcile the issue. Though, the petitioner is ready to make payment of Rs. 15,000/- per month to the informant, who is an engineer and was in job at earlier point of time, from June, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month.

Mr. Rajendra Narayan, learned senior counsel appearing on behalf of the Opposite party no. 2 submits that the report of the psychiatrist has been procured and the opposite party no. 2 is not suffering from any mental disorder. Though, she is an



engineer, at earlier point of time she was in job and after filing of the case she has completed some courses in the computers successfully. Hence, the claim of the petitioner to the effect that opposite party no. 2 is suffering from Paranoid Schizophrenia is absolutely a cooked up excuse by the petitioner to desert the informant. The informant was misled by the petitioner as on all the times she was assured that he is coming to take her to his place of posting whereas it is submitted by the learned counsel for the petitioner that the report of the Institute of Neuro-Psychiatry and Allied Sciences, Kanke, Ranchi reflects that the informant was accompanied by her father and husband both.

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 on affidavit before the learned Court within a period of three 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 the learned Chief Judicial Magistrate, Patna in connection with Phulwarishariff P.S. Case No. 359 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 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.

It is expected from the investigating agency to conclude the investigations within a period of two weeks.

Let a copy of this order be communicated to the Senior Superintendent of Police, Patna.

(Dinesh Kumar Singh, J)

Mishra/Ashwini

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