

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43089 of 2015**

Arising Out of PS.Case No. -115 Year- 2015 Thana -EKANGARSARAI District- NALANDA  
(BIHARSHARIFF)

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1. Amit Bhushan @ Amit Bhushan Prasad S/o late Prem Nath Prasad,  
resident of village/Mohallah- Mahendru, P.S.- Sultanganj, District-  
Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

10 04-08-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 341, 323, 307, 504, 506, 379/34 of the Indian Penal Code.

The basic accusation is of torture for non-fulfilment of dowry demand. It is alleged that petitioner tried to kill the informant and ultimately the informant was driven out from the matrimonial house after snatching all her belongings.

On the joint prayer of the parties, vide order dated 10.09.2015 the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority. The interim report of the Mediator at Flag-M dated 30.11.2015 reflects that the issue could not be resolved through the process of mediation.



It is submitted by learned counsel for the petitioner that initially the petitioner was inclined to resolve the issue and filed Matrimonial Suit No. 300 of 2014 for the restitution of conjugal life but the informant chose not to appear and subsequently the present F.I.R was lodged in 2015. Hence, at present, the petitioner is not inclined to keep the informant since he has to take care of his old ailing parents.

It is submitted by learned counsel for the informant that informant could not receive any notice in connection with the restitution suit and she is ready to resume the conjugal life.

In the alternative, petitioner is ready to make payment of Rs. 4000/- per month to the informant from September, 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 the offer is acceptable to the informant who undertakes to submit her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the petitioner to make payment which at least will save the informant from vagrancy and destitution, coupled with the lurking hope that in future the matter will be reconciled between 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 Sub-Divisional Judicial Magistrate, Hilsa in connection with Ekanger Sarai P.S. Case No. 115 of 2015.

The above 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.

**(Dinesh Kumar Singh, J)**

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