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1. MIKESH KUMAR @ MIKESH KUMAR PRASAD son of Murli

Petitioner/s

Versus

- ## 1 The State of Bihar

Opposite Party/

Appearance :

For the Petitioner/s : Mr. Madhavi Prasad Yadav

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

COPAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 30-08-2016 The petitioner being 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 Section 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 but the informant herself deserted the petitioner and went to her parents' house along with all her belongings and ornaments for which an informatory petition was filed on 07.07.2015 as contained in Annexure-2. The petitioner thereafter filed Complaint Case No. 2342 of 2015 against the

informant and her family members on 01.08.2015 levelling accusations under Sections 147, 148, 323, 379, 326, 427/34 of the Indian Penal Code and thereafter the present F.I.R was registered on 02.12.2015.

The matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 12.07.2016. The report of the Mediator at Flag-B dated 24.08.2016 reflects that the matter could not be resolved through the process of mediation. Hence, the reconciliation does not appear to be feasible at present.

However, in the alternative, petitioner is ready to make payment of Rs. 2000/- per month to the informant from October, 2016, by depositing the same in the bank account of the informant by second week of every consecutive month.

It is submitted by learned counsel for the informant that informant denies the accusations levelled by the petitioner in the inforatory petition as well as in the complaint petition and she is still ready to resume the conjugal life. However, the informant is also 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 three weeks.

Considering the present stand of the parties and to save the informant from destitution and vagrancy

coupled with a lurking hope that the issue will be reconciled between the parties in future, 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, Saran at Chapra in connection with Mahila P.S. Chapra (Saran) Case No. 50 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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