

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43880 of 2016

Arising Out of PS.Case No. -255 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

=====

Mukesh Kumar Yadav Son of Sukhdeo Yadav R/o Sath Bagha Tetaria,
Police Station- Ara, Mufassil District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the State : Mr. Yogendra Kr. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 13-04-2017 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 Sections 341, 323, 498A, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant got married with the petitioner on 24th of April, 2016 and immediately, thereafter, the torture was inflicted for non-fulfillment of further dowry demand of Car. On 07.05.2016, the informant was taken to Orissa, the place of employment of the petitioner, where all the accused persons assaulted her with iron rod and belt and, thereafter, on 15.06.2016, after snatching the ornaments and all belongings of the informant she was driven



out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and within two months of marriage the accusation has been levelled. The medical report which is part of the FIR does not reflect that any injury was actually caused to the informant. The petitioner filed Matrimonial Suit No.252/2016 for restitution of conjugal life. A statement to that effect has been made in paragraph no.12 of the petition that the petitioner is ready to keep the informant as wife with full dignity and honour, which reads as follows:-

"That it is relevant to state here that the petitioner is still ready to keep his wife with himself with love and dignity."

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order.

This Court vide order dated 24.01.2017, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 29.03.2017, kept at 'Flag-X' reflects that the issue could not be resolved through the process of mediation.

It is further submitted by learned counsel for the



petitioner that even before the Mediator the stand of the petitioner was to keep the informant as wife with full dignity and honour.

It is submitted by learned counsel for the informant that the informant is not ready to accept the offer of resuming the conjugal life since she is apprehensive due to the past conduct of the petitioner. However, she was inclined to resolve the issue in terms of payment of one time settlement amount, but the quantum of one time settlement amount offered was so meager that she declined to accept the same. However, she is ready to accept the payment of monthly amount if the petitioner is ready to offer.

It is further submitted by learned counsel for the petitioner that the petitioner is ready to make payment of Rs. 2500/- per month to the informant from June, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Ara, Bhojpur, in connection with Mahila P.S. Case No.255/2016, 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, maintenance proceeding or any other collateral 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.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

