

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5095 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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1. Raman Kumar son of Ram Chandra Yadav Resident of Village -
Rariyaha, P.S. - Ghailadh, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 27-01-2017

Heard learned counsels for the petitioner,
informant and the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 323,
498A, 379/34 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 was initially submitted by learned counsel
for the petitioner that petitioner disputes the factum of
marriage. Subsequently vide order dated 16.05.2016, on the
joint prayer of the parties, the matter was referred to the
Mediation & Conciliation Centre of the Bihar State Legal
Services Authority. The interim report of the Mediator at Flag-C
dated 26.10.2016 reflects that both the petitioner and the



informant agreed to live together. In the circumstance, on the request of the Mediator, the period of mediation was extended till 16th of December, 2016 vide order dated 08.11.2016. The report of the Mediator at Flag-D dated 14.12.2016 reflects that the issue could not be resolved through the process of mediation.

Today, a supplementary affidavit has been filed on behalf of the petitioner to the effect that during the process of mediation, the petitioner took the informant with him to the matrimonial house but the informant subsequently deserted the petitioner. The petitioner is still ready to keep the informant as wife with dignity and honour. The statements to that effect have been made in paragraph nos. 3 and 4 of the supplementary affidavit which reads as follows:-

“3. That the petitioner took the opposite party no. 2 with him from the mediation-centre, Patna High Court to keep her with him but without the consent of the petitioner, she left the petitioner without any information to him due to the reason best known to her.

4. That the petitioner is ready to keep the informant/O.P. No. 2 with him, with love, dignity and security but the O.P. No. 2 herself does not want to live with him.”

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the



petitioner.

Both sides agree to appear before learned Court below on 8th of February, 2017, when the petitioner will take the informant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of 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 provisional anticipatory bail for six months 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, Madhepura in connection with Madhepura Mahila P.S. Case No. 43 of 2015.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities i.e. (i) on substantial restoration of the matrimonial harmony within a period of six months or (ii) if the informant fails to appear before learned Court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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