

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16569 of 2017

Arising Out of PS.Case No. -661 Year- 2016 Thana -BANKA District- BANKA

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1. Kumar Chandan son of Indradeo Prasad Resident of Mugalsarai Subhash Nagar Brahmsthan, P.S. Subhash Nagar Mugalsarai, District - Chandauli (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Bhartiya

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 21.12.2016 in connection with Banka P.S. Case No. 661 of 2016, G.R. No. 2406/16 for offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that due to non-fulfillment of demand of Rs. 15 lakhs or in the alternative to get a flat purchased at Patna she was mentally and physically assaulted by her husband and ultimately she was forced to leave her matrimonial house.

The matter was taken up by a coordinate Bench of this Court on 06.04.2017 wherein provisional bail was granted to the



petitioner and the matter was referred to the Patna High Court Mediation and Conciliation Centre. On such direction, the mediation failed as the petitioner did not appear and stated that he was not informed about the date on which he had to appear before the mediation cell. On 11.07.2017 the matter was once again referred to the mediation cell of the Patna High Court and petitioner was directed to pay Rs. 5,000/- as litigation cost to the informant, which he paid. Again a report dated 24.08.2017 has come from the Mediator that the dispute between the parties could not be resolved through the process of mediation.

It has been submitted by the learned counsel for the petitioner that he is ready to keep the informant as his wife with full dignity and honour but she is not willing to stay with him.

However, learned counsel appearing for the informant submits that she has been tortured for non-fulfillment of demand of dowry and has been declared an abnormal person and she flatly denies to stay with the petitioner.

Under such circumstances, the provisional bail granted to the petitioner under order dated 06.04.2017 shall continue. The parties will appear before the learned court below and the learned court below on satisfaction of the rival submissions of both parties will confirm the provisional bail in three eventualities : (i) if the



matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

The court below would also fix one time settlement amount as prayed for by the counsel for the informant and if need be fix a monthly maintenance.

Application stands disposed of.

(Nilu Agrawal, J)

Rajesh/-

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