

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14105 of 2016

Arising Out of PS.Case No. -446 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Chandrashekhar Kumar Son of Sri Baleshwar Sao, resident of Village
Dailu, P.S. Harnaut, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mansi Kumari alias Riya Gupta W/o Chandrashekhar Kumar Resident
of village – Dauli P.S. Harnaut District Nalanda present address – father
late Bishundeo Sao vill Sri Chandrapur, P.S. Harnaut, District –
Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

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

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

ORAL ORDER

06/ 17-01-2017

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 379, 324/34 of the
Indian Penal Code and 4 of Dowry Prohibition Act and 3/4 of
the Dowry Prohibition Act.

The prosecution case is that the informant's
marriage was solemnized with the petitioner on 29.10.2015 but
subsequently torture was inflicted and the informant was driven
out from the matrimonial house on 03.12.2015.



It is submitted by learned counsel for the petitioner that the petitioner was abducted by the informant's side and forcibly married with the informant when the petitioner filed Complaint Case No. 4839 of 2015 on 19.12.2015, which came to be registered as Harnaut P.S. Case No. 447 of 2015 levelling accusation under Sections 447, 341, 342, 379, 365 and 504/34 of the Indian Penal Code and thereafter, the present case was lodged on 13.12.2015. It is further submitted that the petitioner has filed Matrimonial Suit No. 162 of 2016 for dissolution of marriage on 02.06.2016.

In the circumstances, counsel for the petitioner submits that the chance of issue being reconciled does not feasible, though the matter was referred to the Mediation and Conciliation Centre of State Legal Services Authority vide order dated 11.08.2016. The report of the Mediator at Flag 'G' dated 22.09.2016 reflects that the issue could not be reconciled through the process of mediation. However, petitioner is ready to make payment of Rs.2,000/- per month from February, 2017 to the informant by depositing the same in her account by second week of every succeeding month. The said payment will have no bearing with regard to the matrimonial relationship between the petitioner and the informant.



Counsel for the informant submits that the informant is still ready to resume the conjugal life, however, does not deny the filing of the criminal case by the petitioner at earlier point of time wherein charge sheet has been submitted. However, the informant is ready to accept the present offer of the petitioner and undertakes to submit the 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 his arrest or surrender before the learned court below within a period of twelve 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 learned Additional Chief Judicial Magistrate-VII, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 446 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

The said payment will have no bearing on the



merits of the relationship between the parties till the said payment is being modified by any superior court.

Three consecutive defaults in making payment will give liberty to the informant to file 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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