

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20510 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Manish Kumar Ray @ Manish Kumar Rai, Son of Ramesh Chandra Rai,
Resident of Village- Nagpur, Police Station- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 18-05-2017 Heard Mr. Anil Kumar Rai, learned counsel for the

petitioner, Mr. Ajay Nandan Sahay, learned counsel for the O.P.

No. 2 and Mr. J. N. Thakur, learned APP for the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323,341,498A,504 and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

This court vide order dated 10.5.2016 issued notice to O.P. No. 2 on submission of learned counsel for the petitioner that the petitioner admits his marriage with the informant and the petitioner is ready to keep the informant as wife with full dignity



and honour. It is submitted that it is the informant who deserted the petitioner. The petitioner has filed Matrimonial Suit No. 233 of 2015 for restitution of conjugal life at earlier point of time. Moreover, the petitioner is ready to keep the informant as wife. Statement to that effect has been made in paragraph 15 of the petition which reads as follows:

“That it is stated that any view of the matter the petitioner is ready to keep the informant as wife with full dignity and honour.”

Subsequently, the informant appeared and effort was made to allow the petitioner and the informant to resolve the issue. On joint prayer of the parties, vide order dated 15.12.2016, the matter was referred to Patna High Court Mediation and Conciliation Centre. The report of the Mediator dated 13.2.2017 at Flag Y reflects that the issue got resolved between the parties as both the petitioner and the informant decided to part ways. The terms of Memorandum of Agreement arrived at between the parties reflects that both the parties agreed to dissolve the marriage through decree of divorce with mutual consent since they are living separately since 2014. The petitioner agreed to make payment of rupees three lacs as one time settlement amount. The amount was to be paid through account payee cheque.



Consequent to the mediation being successful, a joint supplementary affidavit by the petitioner and the O.P. No. 2 dated 27.3.2017 has been filed stipulating therein the terms of agreement arrived at during mediation.

Learned counsel for the petitioner submits that a cheque of rupees one lac fifty thousand was handed over to the informant on 28.3.2017 and today a cheque of rupees one lac fifty thousand of Punjab National Bank is being handed over to the learned counsel for the informant for its being delivered to the informant. Learned counsel for the informant is expected to make endorsement to that effect on record. Learned counsel for the informant accepts that as per the terms of agreement he has received cheque of rupees one lac fifty thousand earlier and another cheque of rupees one lac fifty thousand today. Hence, there is no amount due and the informant is ready for filing Matrimonial Suit under section 13(B) of the Hindu Marriage Act within a period of three weeks from today. The informant will also file an application stipulating the terms of agreement and specific intention of not prosecuting the petitioner in the instant case.

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 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 CJM, Rohtas at Sasaram in connection with Mahila P.S. Case No. 2 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The informant will be at liberty to file an application before the learned court below for cancellation of bail bonds of the petitioner in case the cheque handed over by the petitioner gets bounced with no fault of the informant.

(Dinesh Kumar Singh, J)

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