

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

.... Petitioner/s

1. The State of Bihar
2. Vinita Kumari, Village-Nimahi, P.S.-Taryani, District-Shivhar, Presently, Mohalla-Sarai Saiyad Gali, P.S.-Kagi Muhamadpur, District-Muzaffarpur

.... Opposite Party/s

For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Rajendra Pd. Nat(App)

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant on 10.12.2013 having no issue. Since the informant deserted the petitioner, the petitioner filed Matrimonial Suit No. 196 of 2015



on 11.12.2015 and thereafter the informant has filed the written report before the Officer-in-charge, Muzaffarpur Mahila Police Station which came to be registered as Mahila P.S. Case No. 12 of 2016, dated 01.02.2016, under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority, vide order dated 04.10.2016. The report of the Mediator at Flag-B dated 22.12.2016, reflects, that prayer has been made for extending the period of mediation as the dispute is likely to be resolved between the parties.

It is submitted by learned senior counsel for the petitioner that there is no likelihood of the issue being resolved as the petitioner offered a payment of one time settlement amount but the same was not acceptable to the informant.

It is submitted by learned counsel for the informant that informant is still ready to resume the conjugal life and she is not ready to accept one time settlement amount. The statement in the petition to the effect that after receiving the notice in the matrimonial suit, the F.I.R was registered, is false as on the date of lodging of the F.I.R, the Matrimonial Suit was not admitted nor notice was issued.



It is further submitted by learned senior counsel for the petitioner that petitioner, in the alternative, is ready to make payment of Rs. 6000/- 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.

It is submitted by learned counsel for the informant that informant is reluctantly ready to accept the offer of the petitioner as she still wants to resume the conjugal life and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, filing of the matrimonial suit at earlier point of time and in order to save the informant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge, 7th-cum-Additional Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 12 of 2016.



The above mentioned payment will be subject to any order being passed in matrimonial or maintenance collateral proceeding.

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