

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25693 of 2016

Arising Out of PS.Case No. -616 Year- 2015 Thana -KADAMKUAN District- PATNA

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Sanjay Agrawal, @ Sanjay Kumar Agrawal Son of Sri Santosh Agrawal,
residnet of Marwari Pustkalaya, Road, Police Station- Daltonganj (Town)
District- Daltonganj (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. U.S.P.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-01-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341, 323, 498A, 315 of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry
demand and getting the pregnancy terminated.

The petitioner and the informant are present.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the informant and birth of a
male child.

This Court vide order dated 29.09.2016, on joint
prayer of the parties, referred the matter to the Mediation and



Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator, dated 10.02.2017, kept at 'Flag-M' reflects that the issue could not be reconciled through the process of mediation.

Learned counsel for the petitioner further submits that earlier the petitioner took the informant along with ailing child to keep them with full dignity and honour. The petitioner took them to Delhi for getting the child medically treated but the compatibility could not be developed due to the apathetic attitude of the informant. However, the petitioner is still ready to keep the informant and the ailing child with full dignity and honour.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner, but she is apprehensive due to the past conduct of the petitioner. The informant is inclined to reside in the joint family house, since, the petitioner earlier kept her in a rented house at Daltenganj where she was unable to handle alone the ailing child since on two occasions she had to live alone.

However, both sides agree to make effort to reconcile the issue when the informant is ready to resume the conjugal life for the present with the petitioner in a rented house at Daltenganj



after getting ailing child treated at Delhi in first week of February, 2017. The petitioner also agrees to provide adequate medical assistance to the minor child including getting him treated at AIIMS, Patna, and if required he will take the child to AIIMS New Delhi on 3rd of February, 2017.

Considering the present stand of the parties with lurking hope that the issue may reconcile, let the above named petitioner be released on provisional anticipatory bail for six months 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Kadamkuan P.S. Case No.616/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored or, (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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