

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20813 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -MAHILA P.S. District- PATNA

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Nishant Kumar, Son of Sanjay Kumar, Resident of Mohalla- 548/11C,
Unchwa Garhi, Rajapur, P.S.- Cantt (Allahabad), District- Allahabad (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ankita Rai, Daughter of Nirmal Kumar Rai, Resident of Mohalla-
Golghar Park Road, Police Station- Gandhi Maidan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Adv.
For the State : Mr. Ahmad Ali, APP
For O. P. No.2 : Mr. M. K. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 19-08-2017 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 498A/379/504/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of the informant – opposite party no.2 is to the effect that she got married with the petitioner on 01.12.2014, but subsequently, a dowry demand of Rupees Five Lacs was made for furnishing a flat, already purchased by the accused persons at Mumbai and for non-



fulfillment of the same, the torture was inflicted and assault was made to the informant. Ultimately, the informant was driven out from the matrimonial house by the accused persons. Though, the family members of the informant tried to get the issue resolved, but the issue could not be resolved.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner admits his marriage with the informant, having no issue. The petitioner filed Matrimonial Suit No. 515/2016, before the Principal Judge, Family Court, Allahabad, Uttar Pradesh, with a prayer for divorce, on the ground of desertion and cruelty. The informant has filed Transfer Petition (Civil) No. 1947/2016, before the Apex Court, wherein, notices have been issued and further proceeding of the matrimonial suit has been stayed, wherein, the petitioner has entered appearance. Learned Counsel for the petitioner further submits that the Matrimonial Suit was filed on 18.04.2016, whereas, the present FIR was registered on 13.09.2016. Hence, at present, the petitioner is not ready to keep the informant. However, he is ready to settle the issue either in terms of payment of one time settlement amount or monthly payment to the informant.

Learned Counsel for the informant submits that the informant is still ready to resume the conjugal life.



It appears that vide order dated 12.05.2017, the matter was referred to the Mediation and Conciliation Centre of Patna High Court. The report of the Mediator, dated 31.07.2017, kept at 'Flag-X' reflects that the issue could not be resolved through the process of mediation. In the circumstances, the issue is not likely to be resolved, at present.

However, learned Counsel for the petitioner submits that in alternative, the petitioner is ready to make payment of Rs.8000/- per month to the informant from September, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

The learned Counsel for the informant submits that the informant reluctantly accepts the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned Court below within a period of two weeks.

Keeping in view of the present stand of the parties, and in order to save the informant from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, 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 12 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 the learned Judicial Magistrate, 1st Class, Patna, in connection with Mahila (Patna) P.S. Case No.60 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to resolve the issues otherwise.

(Dinesh Kumar Singh, J)

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