

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27733 of 2016

Arising Out of PS.Case No. -241 Year- 2015 Thana -BEUR District- PATNA

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Alok Kumar @ Gajanand Kumar Son of late Dr.Bal Kishun Ram@Late Bal Kishun Ram Resident of Village- Kolahrampur (Pachrukhiya Kala,) Police Station - Barahara, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath
For the Opposite Party/s : Mr. Sri Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-01-2017 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue. Initially the petitioner admitted before this Court that petitioner is ready to keep the informant with full dignity and honour which is contrary to the statement made in paragraph no. 9 of the petition. Similar was the stand before learned Court below but the informant refused to accept the offer of the petitioner as she wanted to get her money and articles which gets reflected from the impugned order dated



17.06.2016 passed by learned Additional District & Sessions Judge, VIII, Patna.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 04.10.2016. The report of the Mediator at Flag-A dated 10.01.2017 reflects that the mediation failed since the informant has not shown any interest before the mediation.

It is submitted by learned counsel for the informant that informant is apprehensive due to the past conduct of the petitioner and she wants that petitioner returns her articles and money as she is not inclined to resume the conjugal life.

Considering the rival submissions of the parties, it appears that now the reconciliation is not feasible between the parties.

However, it is submitted by learned counsel for the petitioner that petitioner is ready to make payment of Rs. 1800/- per month to the informant from February, 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 ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below



within a period of four weeks.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the 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 Judicial Magistrate, Patna in connection with Beaur P.S. Case No. 241 of 2015.

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

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