

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45347 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -MAHILA PS District- BUXAR

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Sidhesh Kumar Singh S/o Jai Ram Singh R/o Village - Murarpur, P.S. -
Itarhi, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Prabha Kumari W/o Sidhesh Kumar Singh, D/o Late Din
Dayal Singh R/o Village Smriti Niwash North Mandiri, Bapu Nagar,
Patna P.S. - Patliputra, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

04/ 09-03-2017

Heard learned counsels for the petitioner,
informant-opposite party no. 2 and Mr. J.N. Thakur, learned
counsel for the State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 341, 323, 324, 504, 506,
498A/34 of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act.

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

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the informant. It is further submitted that the petitioner never assaulted the informant and he is ready to keep her with full dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner in spite of all facts is ready to keep his wife with all love and affectiony.”

Though, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority on the joint prayer of the parties vide order dated 20.01.2017 but it appears from the report of the Mediator dated 03.03.2017 at Flag ‘A’ that the issue could not be reconciled through the process of mediation.

It is submitted by learned counsel for the petitioner that the petitioner’s stand before the Mediation Centre to reconcile the issue but the issue could not be resolved due to the apathetic attitude of the informant.

It is submitted by learned counsel for the informant that the informant is not ready to accept the offer of the petitioner of resuming the conjugal life since she is apprehensive due to the past conduct of the petitioner.

Counsel for the petitioner submits that, in



alternative, the petitioner is ready to make payment of Rs.5,500/- per month from April, 2017 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the rival submissions of the parties, 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 his 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 Chief Judicial Magistrate, Buxar in connection with Buxar Mahila P.S. Case No. 58 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.



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