

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46087 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -NAUBATPUR District- PATNA

=====

Mukesh Kumar Son of Late Dharendra Tiwary, Resident of Tiwarychak,
P.S. Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Rubi Devi, D/o Sri Sanjay Pandey, W/o Mukesh Kumar, Resident
of Amra, P.S. Koch, P.O. Siyadih, District – Aurangabad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Parmanand Prasad

=====

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

05/ 30-03-2017

Heard Mr. Rajendra Prasad, learned senior
counsel for the petitioner, Mr. Binod Kumar, learned counsel
for the 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 498A, 323, 504, 379,
506/34 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 senior counsel for the



petitioner that the petitioner admits his marriage with the informant on 27.05.2011. The petitioner filed Matrimonial Suit No. 6031 of 2014 on 10.12.2014 with a prayer for divorce, thereafter the present FIR was registered on 03.05.2015. It is further submitted by learned senior counsel for the petitioner that the marriage has never been consummated and the informant herself deserted the petitioner.

Counsel for the informant submits that the informant is not inclined to resume conjugal life due to the past conduct of the petitioner. In the circumstances, the issue is not likely to be resolved, at present.

However, it is submitted by learned senior counsel for the petitioner that the petitioner is ready to make payment of Rs.1,800/- per month from May, 2017 to the informant by depositing the same in her bank account by second week of every succeeding month.

Counsel for the informant submits that the informant accepts 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. In the circumstances, the counsel for the informant is not opposing the prayer for anticipatory bail of the petitioner, at present.



Considering the present stand 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 Judicial Magistrate, Ist Class, Danapur in connection with Naubatpur P.S. Case No. 234 of 2015, 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.)

DKS/

U		T	
---	--	---	--

