

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44083 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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1. Akhilesh Sahni @ Akhilesh Kumar Sahni S/o Nandan Sahni Resident of Village-Puraini, P.S.- Puraini, District-Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari W/o Akhilesh Sahni @ Akhilesh Kumar Sahn, D/o Hari Sahni Resident of Village-Puraini Ganeshpur, Waro No. 18, P.S.- Puraini, District-Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 11-04-2017 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, 341, 323/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant having no issue and since the informant deserted the petitioner, the petitioner filed Matrimonial Suit No.34 of 2015 with a prayer for



dissolution of marriage, thereafter, the present case was registered.

This Court vide order dated 30.01.2017, 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 15.03.2017, kept at 'Flag-X' reflects that the issue could not be resolved through the process of mediation.

It is further submitted by learned counsel for the petitioner that the petitioner is still ready to keep the informant as wife with full dignity and honour and if she resumes the conjugal life, the petitioner is ready to withdraw the matrimonial suit. However, statement to that effect has not been made in the petition, though the statement has been made in paragraph no.12 of the petition that the petitioner is ready to settle the dispute with the informant, which reads as under :-

"That the petitioner is always ready to settle the dispute to the informant as per direction of this Hon'ble Court."

On call, none had appeared on behalf of opposite party no.2 on 16.03.2017. Today also none is appearing on behalf of her.

Considering the present stand of the petitioner, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Madhepura in connection with Madhepura Mahila P.S. Case No.93/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order will not preclude the informant to resume the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Ashwini/-

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