

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37665 of 2016

Arising Out of PS.Case No. -2237 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Aush Arsh @ Ayush Arsh @ Praveen Kumar @ Praveen Mishra son of Dr.
Anil Mishra @ Chunnu Mishra Resident of Village - Kehunia, P.S. -
Shikarpur, District - West Champaran (Bettiah).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari wife of Ayush Arsh, daughter of Chandramani Tiwary
resident of village - Sugauli, P.S. Shikarpur, District - West Champaran
(Bettiah).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 20-01-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 323 and 498A of the Indian Penal
Code.

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

The petitioner and the complainant are present in the
court.

It is submitted by the learned counsel for the petitioner



that the petitioner admits his marriage with the complainant having no issue.

On joint prayer of the parties, the matter was referred to the Mediation & Reconciliation Centre of Bihar State Legal Services Authority vide order dated 03.10.2016. The report of the mediator dated 23.12.2016 at flag-A reflects that issue could not be reconciled through the process of mediation. In the circumstances, the reconciliation does not appear to be feasible at present.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life. The mediation has failed due to apathetic attitude of the petitioner.

It is submitted on behalf of the petitioner that in alternative the petitioner is ready to pay ₹17,000/- per month to the complainant from February, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

Considering the stand of the parties, in order to save the complainant from destitution and vagrancy with lurking hope that the issue will be reconciled 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-V, West Champaran, Bettiah in connection with Complaint Case No. 2237C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

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

The present order in no way will preclude the parties to settle the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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