

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14707 of 2016

Arising Out of PS.Case No. -139 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Punit Kumar Mishra @ Punit Kumar son of Rambali Badan
Mishra,. R/o Mohalla Chandwa More, P.S. Ara Nawada, District-
Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Neelam Devi W/o- Punit Kumar Mishra and D/o-Sri Ram Badan
Mishra R/o-Village+P.O.- Sonpura, P.S. Udawant Nagar, Dist.-
Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1
For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 16-03-2017

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 420 and 379/34 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. The informant has alleged torture at the hands of her Mother-in-law, Sunita Devi, husband, the petitioner and elder brother-in-law Nirmal Mishra due to non-fulfillment of further dowry demand of ₹2 lacs. It is also alleged that subsequently, the informant was not being supplied adequate food and she was driven out from the matrimonial house leading to



filing of the report before the Ara Mahila police station where mediation took place and the petitioner undertook that he will keep the informant with full dignity and honour. In pursuance to the mediation, the petitioner kept the informant in a rented house but he was not residing there and he allowed his father to reside with the informant. On 22.01.2016, the accused persons came to the rented house and persuaded the father of the petitioner to leave the place, thereafter, they made assault to the informant. It is specifically alleged that the elder brother of the husband of the informant snatched the clothes and ornaments worth ₹50,000/-, thereafter, the informant was being treated at Sadar Hospital, Ara and consequently leading to the registration of the present case.

The petitioner and informant are present in the court.

It is submitted by the learned counsel for the petitioner that the marriage between the petitioner and informant on 12.12.2009 and birth of a male child are admitted facts. The informant has deserted the petitioner on 25.11.2012 of her own. There is no medical report on record to suggest that she was being assaulted or she received any injury. There is nothing on record that the petitioner made any demand of dowry or inflicted any torture but since the informant deserted the petitioner since long hence, the petitioner is not ready to keep the informant at present.



However, the petitioner is ready to make some monthly payment for the welfare of the informant and minor child.

Counsel for the informant submits that the marriage between the informant and the petitioner and birth of a male child are admitted. The informant is still ready to resume the conjugal life for that the petitioner has no valid reason for not keeping the informant. The informant is on the verge of destitution and vagrancy but she is not ready to accept the offer of monthly payment rather she wants accommodation in the residential house of the petitioner for which the petitioner is not ready since it is submitted that the house in which the informant is claiming the right to reside is exclusive property of the mother of the petitioner, though, the petitioner is ready to allow the informant to reside in the ancestral house.

On joint submission of the parties, the matter was referred to the Mediation & Reconciliation Centre of Bihar State Legal Services Authority vide order dated 21.06.2016. The report of the mediator dated 17.08.2016 reflects that the issue could not be resolved through the process of mediation.

Considering the rival submission and inconsistent view of the parties it does not appear that the issue is likely to be resolved at present. Moreover this Court finds no valid reason for



the petitioner for not keeping the informant as wife. The conduct of the petitioner has pushed the informant and the minor child to destitution and vagrancy.

In the circumstances, let the learned court below consider the prayer for bail of the petitioner if he surrenders within a period of six weeks in connection with Mahila P.S. Case No. 139 of 2016 pending in the court of learned Chief Judicial Magistrate, Bhojpur at Ara.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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