

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23835 of 2016**

Arising Out of PS.Case No. -451 Year- 2015 Thana -ARA NAWADA District- BHOJPUR

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Kaushalendra Kumar @ Sonu Son of Ramanuj Singh, Resident of Village -  
Dhobhighatwa, Ara, P.S.- Ara Nawada, District-Bhojpur.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Puspa Singh, Wife of Kaushalendra Kumar @ Sonu, Daughter of Sri Ram singh, Resident of Village- Dhobhighatwa, Ara, P.S.- Ara Nawada, District- Bhojpur, at presnt jagdeonagar, Ara, P.S.- Ara Nawada, District- Bhojpur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Brajesh Prasad Gupta

For the Opposite Party/s : Mr. J.N. Thakur App)

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

**ORAL ORDER**

08/ 24-03-2017

Heard learned senior counsel for the petitioner,  
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 341, 323, 379 and 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture. It is alleged that the petitioner pressurized the informant for sharing physical relationship with others.

It is submitted by learned senior counsel for the



petitioner that the petitioner admits his marriage with the informant having no issue. On conclusion of the investigation the final form has been submitted under Sections 341, 323, 379 and 498A of the Indian against the petitioner only. It is further submitted that the chance of issue being reconcile is not possible since frivolous accusation has been levelled not only against the petitioner rather against entire family members.

On the joint prayer of the parties vide order dated 22.09.2016 the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 16.11.2016 at Flag 'M' reflects that the issue could not be reconciled through the process of mediation. The matter is being adjourned since last several months allowing the parties to resolve the issue but it appears that both sides are adamant not to settle the issue at present.

Counsel for the informant submits that the issue could not be reconciled due to the apathetic attitude of the petitioner. The informant was ready to get the issue settled on payment of one time settlement amount but the issue could not be settled since there was dispute with regard to quantum of one time settlement amount.

However, it is submitted that the petitioner is



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

Counsel for the informant submits that the informant accepts the offer and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks. In the circumstances, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 451 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/

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