

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45565 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -MAHILA PS District- BUXAR

=====

Kanhaiya Kumar @Kanhaiya Singh @ Kanhaiya Kumar Singh, Son of
Sheomuni Singh, Resident of Village – Turkchakiya, Police Station – Buxar
(Mufaassil), District – Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

=====

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

05/ 10-03-2017

Heard learned counsels for the petitioner,

informant and Mr. Ram Suriman Roy, learned counsel for the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered the
offences punishable under Sections 341, 323, 504, 498A, 406,
420/34 of the Indian Penal Code and 3/4 of Dowry Prohibition
Act.

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

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the informant. Since, the informant has serious gynaecological problem, hence the marriage has not been consummated in true sense.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag 'A' dated 13.12.2016 reflects that the issue could not be reconciled through the process of mediation.

Though, no specific medical document has been brought on record to suggest that the informant is suffering from serious gynaecological problem, but a supplementary affidavit has been filed annexing ultra sound report of informant which does not suggest that the informant has any gynaecological problem, but the petitioner is not ready to keep the informant.

However, it is submitted by learned counsel for the informant that the informant is ready to resume the conjugal life and claims that she has no Gynecological problem.

Considering the fact that the chances of issue being reconciled does not appear to be feasible at present, let the learned court below consider the prayer for bail of the



petitioner, if the petitioner surrenders before the learned court below within a period of six weeks in connection with Buxar (Mahila) P.S. Case No. 46 of 2016 pending in the court of learned Sub-divisional Judicial Magistrate, Buxar.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

DKS/

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

