

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25657 of 2016

Arising Out of PS.Case No. -187 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

- =====
1. Rita Devi, Wife of Munna Sonkar alisa Raj Kumar Sonkar.
 2. Priti alias Priti Sonkar, Daughter of Munna Sonkar alias Raj Kumar Sonkar Both resident of Mohalla- Bengali, Tola, Dashashwamedh Ghat, Varanasi (U.P.).
 3. Poonam, wife of Jyoti Prakash and D/o Munna Sonkar alias Raj Kumar Sonkar, Resident of Mohalla- Bengali, Tola, Dashashwamedh Ghat, Varanasi (U.P.). At present resident of Mohalla- Lalpur, P.S Pandeypur, Varanasi (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Phool Kumari, Daughter of Satya Narayan Sonkar, Resident of Old G. T. Road, Bauliya, behind Nishant Cinema, P.S- Sasaram(T), District- Rohtas.

.... Opposite Party/s

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with

Criminal Miscellaneous No.26657 of 2016

Arising Out of PS.Case No. -187 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

- =====
1. Niraj Kumar Sonkar son of Munna Sonkar alias Raj Kumar Sonkar resident of Mohalla - Bengali Tola, Dashashwamedh Ghat, P.S. - Dashashwamedh Ghat, Varanasi (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Phool Kumari Daughter of Satya Narayan Sonkar Resident of Old G.T. Road, Bauliya behind Nishant Cinema, P.S. - Sasaram (T), District - Rohtas.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.25657 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Sri Nand Kumar

(In Cr.Misc. No.26657 of 2016)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER



7 21-02-2017 Heard learned counsels for the petitioners, informant and the State.

The petitioners in Cr. Misc. No. 25657 of 2016 being mother, unmarried sister and married sister of the husband of the informant and petitioner in Cr. Misc. No. 26657 of 2016 being husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A, 420 and 379/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the written report of the informant Phool Kumari is to the effect that she was married with petitioner Neeraj Kumar Sonkar on 12.2.2013. After marriage, a demand of Alto car as additional dowry was made and on non-fulfillment of the same, torture was inflicted and attempts were made to drive out the informant from the matrimonial house as also to kill her. On 25.5.2014, the husband of the informant snatched her ornaments and clothes and left her at the door of her parents.

The petitioner and the informant are present in court.

Both the matters were referred to mediation on the joint prayer of the parties but the report at Flag B dated 9.11.2016 reflects that the issue was settled on payment of one time



settlement amount but it is submitted that the issue could not be resolved. Learned counsel for the petitioners submits that petitioner Neeraj Kumar Sonkar admits his marriage with the informant and is ready to keep the informant with dignity and honour. Statement to that effect has been made in paragraph 15 of Cr. Misc. No. 26657 of 2016 which reads as follows:

“That the petitioner is ready to keep his wife with full honour and dignity but it is the informant who is not ready to live with her husband.”

It is submitted by learned counsel for the informant that the informant has been cheated since the petitioner Neeraj Kumar Sonkar is impotent person and the marriage has never been consummated between the parties. Hence, the informant is not ready to resume the conjugal life. However, the informant is ready to get the issue resolved in terms of payment of one time settlement amount on the dissolution of marriage. Though the offer was acceptable to the petitioner Neeraj Kumar Sonkar but the issue could not be resolved since there was dispute with regard to the quantum of one time settlement amount. However, learned counsel for the petitioner Neeraj Kumar Sonkar submits that he is ready to make payment of Rs.4000/- per month from April, 2017 by depositing the same in the bank account of the informant by



second week of every month. Learned counsel for the informant though reluctantly but accepts the offer and undertakes to provide the bank account number of the informant to the petitioner Neeraj Kumar Sonkar within four weeks by submitting the same on affidavit before the learned court below.

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 Neeraj Kumar Sonkar be released on anticipatory bail in the event of 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 CJM, Rohtas at Sasaram in connection with Sasaram (T) P.S. Case No. 187 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or connected proceeding.

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

The present order, in no way, will preclude the



parties to resolve the issue otherwise.

Considering the above stand of the informant and her husband and also considering the thrust of accusation against the husband of the informant, let the above named petitioners of Cr. Misc. No.25657 of 2016, namely, Rita Devi, Priti alias Priti Sonkar and Poonam be released on anticipatory bail in the event of 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) each with two sureties of the like amount each to the satisfaction of learned CJM, Rohtas at Sasaram in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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