**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.25874 of 2016**

Arising Out of PS.Case No. -123 Year- 2015 Thana -PARIHAR District- SITAMARHI

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Vijay Rai, son of Rameshwar Rai, resident of Village- Sahjauli, P.S. Parihar, District- Sitamarhi.

.... .... Petitioner

Versus

1. The State of Bihar.
2. Aanchala Devi W/O Vijay Rai, resident of Village- Sahjauli, P.S.- Parihar, District- Sitamarhi.

.... .... Opposite Party

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**Appearance :**
For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Sri Umanath Mishra, APP

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

8 27-02-017 Heard learned counsels for the petitioner, informant and the State.

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

Accusation is of torture for non-fulfillment of dowry demand.

This Court vide order dated 26.06.2016, on joint prayer of the parties, referred the matter to the Mediation and Reconciliation Centre of Bihar State Legal Services Authority. The report of the Mediator dated 03.10.2016, kept at 'Flag-A' reflects that the issue could not reconcile through the process of

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mediation.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child. The petitioner took the informant to reconcile the issue, but the issue could not reconcile. However, in alternative, the petitioner is ready to make payment of Rs.1800/- per month to the informant from April, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

The counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of four weeks.

Considering the present stand of the parties to save the informant and the minor child 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 arrest or surrender before the learned Court below within a period of 12 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 the learned SDJM, Sadar, Sitamarhi, in connection with Parihar P.S. Case No.123 of 2015,

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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/maintenance proceeding or any connected matter.

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

The present order will not preclude the parties to reconcile the issues otherwise.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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