

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32349 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

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Chandan Rishu son of Ramesh Prasad resident of Village- Jawaharnagar,
Police Station- Bairganja, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Kumari wife of Chandan Rishu, daughter of Deep Narain Sah
resident of Village- Jamalpur, P.S.- Bihpur, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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

05/ 03-03-2017

Heard learned counsels for the petitioner, State

and the informant-opposite party no.2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 504/34 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant having no issue. He is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition which reads as



follows:-

“That, the petitioner is always ready to keep his wife with full dignity and honour.”

It is further submitted that the similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order but the issue could not reconcile due to the apathetic attitude of the informant.

Counsel for the informant submits that the informant is so apprehensive due to the past conduct of the petitioner, though, she is ready to accept the offer of the petitioner of resuming conjugal life.

In the alternative, the counsel for the petitioner submits that the petitioner is ready to make payment of Rs.1,800/- per month from April, 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 is ready to accept of the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks. In the circumstances, the counsel for the informant is not opposing the prayer for anticipatory bail of the petitioner.



Considering the present stand of the parties, in order to save the informant from destitution and vagrancy with the 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 Sub-divisional Judicial Magistrate, Naugachiya, Bhagalpur in connection with Naugachia Mahila P.S. Case No. 22 of 2016, 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.)

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