

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24728 of 2017

Arising Out of PS. Case No.-341 Year-2016 Thana- BELAGANJ District- Gaya

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Anil Singh Yadav @ Anil Kumar Singh @ Anil Yadav

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mano Devi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brijeshwar Narayan Singh
For the Opposite Party/s	:	Mr. J.N. Thakur, APP
For the O.P. No. 2	:	Mr. Jagdish Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 15-12-2017 Heard learned counsel for the parties.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under sections 323,379,498A and 504 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of O.P. No. 2 Mano Devi dated 5.12.2016 is to the effect that the marriage between the petitioner and O.P. No. 2 was performed in 1985 and out of the said wedlock six children (three daughters and three sons) were born to them, but after eight years of marriage torture was inflicted for non-fulfillment of dowry demand of Rupees One Lakh. It is also further alleged that the petitioner developed illicit relationship with the sister-in-law (bhabhi) of



the informant. And thereafter, the petitioner stopped providing food, clothes and other basic needs to the informant. On 9.11.2016 at 5 P.M. the petitioner loaded the entire articles including the belongings of the informant and left her in a stage of destitution leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant O.P. No. 2 and birth of six children. Out of six children, one daughter and four sons are residing with the petitioner at the place of employment, i.e., at Dhanbad and they are being provided good education and are being brought up with proper care and attention. The informant of her own deserted the petitioner and has kept one daughter with her. The informant is residing at the residential house of the petitioner at the native place, i.e. village Pakahi under Bela Police station in the District of Gaya.

The matter was referred to Mediation on the joint prayer of the parties and the petitioner agreed to keep her and restore matrimonial life and both sides agreed to resolve the issue and withdraw all the cases which gets reflected from the agreement dated 15.11.2017, arrived at between them, before the Mediation Cell, but immediately after the mediation a case vide Kotwali (Patna) P.S. Case No. 673 of 2017 dated 6.12.2017 with



accusation under sections 341,342,323,504,506 and 379/34 of the IPC was lodged at the behest of O.P. No. 2 against the petitioner and others, which was designed as a pretext for not obeying the agreement reached before the Mediator. The O.P. No. 2 has been elected as a Ward Member of Bajitpur Panchayat under Bela Circle and hence she does not want to resume the conjugal life, as also to obey the terms of agreement. It is further submitted that the petitioner is still ready to keep the informant as wife along with the children with full dignity and honour.

Learned counsel for the O.P. No. 2 submits that the O.P. No. 2 has been tortured after birth of six children. She has been deprived from the company of five children though one daughter is residing with her in the matrimonial house. The informant is not being provided anything to maintain herself and her daughter. However, she does not deny this fact that the matter was resolved during mediation, as gets reflected from the report of the Mediator at Flag- C, but she is not in a position to abide by the terms of agreement, as immediately after mediation she has been assaulted at the behest of the petitioner for which the present case under consideration has been lodged. Hence, at present, she is not in a position to resume the conjugal life, and accordingly, she prays for some payment for survival of herself



and her one daughter. Learned counsel for the petitioner submits that though the petitioner is ready to keep the informant and children, yet, in anticipation that the issue may reconcile in future, he is ready to make payment of Rs.3500/- per month from February, 2018 by depositing the same in the bank account of the informant by second week of every succeeding month. The informant, who is present in court, accepts the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of four weeks and in the circumstances, she is not opposing the prayer of the petitioner for anticipatory bail.

Considering the rival submissions of the parties, particularly, the present stand of the parties, which, at present, will save the informant O.P. No. 2 and the unmarried daughter from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM – 11, Gaya, in connection with Belaganj P.S. Case No.341 of 2016.

The aforesaid payment will be subject to any order being



passed in matrimonial or maintenance or any collateral proceeding.

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.

(Dinesh Kumar Singh, J)

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