

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3711 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -MAHILA P.S BAGHA District-
WESTCHAMPARAN(BETTIAH)

=====

Satyendra Yadav, S/o- Bhim Yadav, R/o Vill- Jagarnathpur, P.S. Gopalpur,
Distt. West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Hirawati Devi. D/o- Dasharath Yadav, R/o Vill- Chandrapur Bhidari,
P.S. Chautrawa, District- West Champaran.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 19-08-2017 Heard learned counsels for the petitioners, informant
and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A and 316/34 of the Indian Penal Code.

The prosecution case got initiated by filing of the complaint case, which ultimately got registered as Bagaha Mahila P.S. Case No. 37 of 2016, after complaint being transferred under Section 156(3) of the Cr. P.C. The prosecution case is that the informant was married with the petitioner three years prior to the lodging of the present case, but subsequently, torture was inflicted



for non-fulfillment of the dowry demand. The accused persons also assaulted the informant, as a result, her pregnancy got terminated, and subsequently, the informant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. There is no medical proof with regard to termination of her pregnancy. In pursuance to notice issued to the informant, she appeared before this Court, when the petitioner took her to the matrimonial house, but the informant herself deserted the petitioner. The petitioner has filed Matrimonial Suit No. 164 of 2016, with a prayer for restitution of conjugal life and he is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 8 of the petition, which reads as follows:-

“That the petitioner is still ready to keep her with full dignity and honour as wife.”

It appears that, vide order dated 15.05.2017, the matter was referred to the Mediation and Conciliation Centre of the Patna High Court. The report of the mediator dated 17.08.2017, kept at flag-‘B’, reflects that the issue could not be reconciled through the process of mediation.



Learned counsel for the informant submits that the informant went to matrimonial house in pursuance to the order of this Court, but she was again driven out from the house. Hence, in the circumstances, she is now ready for getting the issue resolved in terms of payment of one time settlement amount.

It is submitted by learned counsel for the petitioner that the mediation has failed since the petitioner is not able to make payment of one time settlement amount, due to financial constraints, however, he is ready to make payment of Rs. 2,000/- per month to the complainant from September, 2017, by depositing the same in the bank account of the informant by second weeks of every succeeding month.

Learned counsel for the informant, on instruction, submits that informant is reluctantly ready to accept the offer of the petitioner, who undertakes to provide her bank account number to the petitioner, by submitting the same on affidavit before the learned Court below, within a period of three weeks.

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 petitioners 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 Addl. Chief Judicial Magistrate, Bahaga, West Champaran in connection with Bagaha Mahila P.S. Case No. 37 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The abovementioned payment will be subject to any order being passed in matrimonial, maintenance or collateral proceeding.

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

The present order, in no way, will preclude the parties to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

