

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40884 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -WAJIRGANJ District- GAYA

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Pintu Kumar Verma son of Sri Baleshwar Prasad resident of Village-
Kopin, P.S.- Sitamarhi, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Asmita Rani daughter of Sri Umesh Prasad resident of Village- Kenardih,
P.S.- Wazirganj, Dist- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-04-2017 Heard learned Senior Counsel for the petitioner, Mrs.

Seema Singh, learned counsel for the informant and Mr. J.N.

Thakur, learned counsel for the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 498A/34 of the Indian Penal Code and
3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment
of the dowry demand.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the informant on 11.07.2013
having no issue. The petitioner filed Matrimonial Suit No. 74 of



2016 with a prayer for divorce on 23.03.2016 wherein the informant entered appearance after substituted service of notice and thereafter on 29.05.2016, the present FIR was registered.

Learned counsel for the informant submits that the informant is ready to resume the conjugal life but it is the petitioner who deserted her. The informant, in alternative, is also ready to settle the issue on payment of one time settlement amount but the issue could not be resolved in terms of payment of one time settlement amount since there is difference between the parties with regard to quantum of one time settlement amount.

On joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of Bihar State Legal Services Authority vide order dated 20.01.2017. The report of the mediator dated 07.03.2017, kept at flag-‘X’, reflects that the issue could not be resolved through the process of mediation.

It is submitted on behalf of the petitioner that the petitioner is ready to pay ₹6,000/- per month to the informant from June, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant submits that the informant is reluctantly ready to accept the offer of the petitioner



who undertakes to supply her bank account number to the petitioner by filing the same on affidavit before the learned court below within a period of three weeks and in the circumstances, she is not opposing the prayer for bail of the petitioner.

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 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in connection with Wazirganj P.S. Case No. 183 of 2016, 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 other 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.

The present order in no way will preclude the



parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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