

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29385 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -MAHILA PS District- GAYA

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Sushil Kumar Singh S/o Sri Raghubansh Narayan Singh resident of
Mohalla- Unta More, Near Police Chauki No.1, P.S.- Jehanabad, District-
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Kumari D/o Ram Krishna Singh resident of Mohalla- Nutan
Nagar, P.S.- Civil Lines, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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

ORAL ORDER

08/ 07-02-2017

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, 504, 506, 323/34 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 senior counsel for the petitioner
submits that the petitioner admits his marriage with the
informant on 26.11.2015 having no issue, but immediately after
the marriage the petitioner found that the informant is mentally
abused as a result on 25.01.2016 Matrimonial Suit No. 11 of



2016 under Sections 10 and 12 of the Hindu Marriage Act for judicial separation/annulment of the marriage was filed, which is still pending.

Though, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority on the joint prayer of the parties vide order dated 30.08.2016 but the report of the Mediator dated 25.10.2016 at Flag 'M' reflects that the issue could not be reconciled through the process of the mediation. Moreover, the petitioner was not inclined to keep the complainant in view of the aforesaid circumstances.

Mr. Sanjay Singh, learned counsel for the petitioner informant submits that the marriage between the petitioner and the informant is admitted and apparently it appears that maliciously matrimonial suit was filed within few months of the marriage without any substantive proof or the medical document with regard to the mental abrasion of the informant.

The impugned order reflects that the petitioner offered to get the informant medically treated and after her recovery he undertook to keep her. The relevant portion of the impugned order reads as follows:-



“The informant and the petitioner are present in the court. The informant is ready to go with her husband but the petitioner (husband) is not ready to keep her. He has stated that he will not keep her in his house but he can give expenses of treatment and after treatment, he can keep her.”

There is nothing on the record to suggest that the informant is mentally abraded. The petitioner and the informant are present in the Court and it appears that the petitioner has not taken any initiative to resolve the issue and maliciously adamant not to keep the informant. Moreover, in such a circumstance, grant of bail will increase such tenancy to desert legally wedded wife pushing her to destitution and vagrancy.

However, it is submitted by learned senior counsel for the petitioner that the petitioner is ready to make payment of Rs.4,500/- per month from March, 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, though reluctantly, 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.

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 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 A.C.J.M.-I, Gaya in connection with Gaya Mahila P.S. Case No. 24 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.

Considering the inconsistent stand of the petitioner with regard to resolving the issue, it is expected from



the learned Principal Judge, Family Court, Jehanabad to conclude the trial of Matrimonial Suit No. 11 of 2016 and learned A.C.J.M.-I, Gaya to conclude the trial of Gaya Mahila P.S. Case No. 24 of 2016 within a period of nine months.

Let a copy of this order be also transmitted to learned Principal Judge, Family Court, Jehanabad.

(Dinesh Kumar Singh, J.)

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