

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45141 of 2016

Arising Out of PS.Case No. -42 Year- 2015 Thana -MAHILA P.S. District- SARAN

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Prabhat Kumar Singh Son of Jayshankar Singh, Resident of Mohalla-
Mahima Nagar, Mirchaiya Tola, P.S.- Bhagwan Bazar, District- Saran at
Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Namrata @Pinki w/o Prabhat Kumar Singh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 15-05-2017 Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A of the I.P.C and ¾ of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue but it is the informant who deserted the petitioner as a result the petitioner filed Matrimonial Case No. 267 of 2014 on 31.07.2014 with a prayer for divorce on the ground of desertion and cruelty, thereafter the informant filed Complaint Case No. 3552 of 2014 on



05.12.2014 which came to be registered as police case on 3.9.2015

The petitioner is not ready to keep the informant since the informant never allowed him to consummate the marriage. However, the counsel for the informant submits that the informant is ready to resume the conjugal life and she was not aware that the petitioner had filed suit.

The matter was referred to the Meditation Centre vide order dated 02.02.2017 but the report of the mediator dated 17.03.2017 at flag 'A' reflects that the issue could not be reconciled since the petitioner failed to appear.

Counsel for the petitioner submits that the petitioner is ready to make payment of Rs. 6000/- to the informant from July, 2017 by second week of every succeeding month.

Counsel for the informant submits that the informant is very reluctantly ready to accept the offer of the petitioner and is ready to submit her bank account before the Court below on affidavit within a period of three weeks.

Considering the rival submissions of the parties, the stand of the petitioner which at present will save the informant from the destitution and vagrancy with lurking hope that the issue may reconcile in future, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below



within a period of 12 weeks from today, be released on anticipatory bail 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, Saran at Chapra in connection with Saran Mahila P.S Case No. 42 of 2015, Tr. No. 2617 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any order being passed in matrimonial maintenance, or any other collateral proceedings.

However, the informant will have liberty to file an application for cancellation of bail of the petitioner if the petitioner defaults on three consecutive occasions in making payment of the above mentioned amount.

The present order will not preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Prakash/-

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