

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38709 of 2016

Arising Out of PS.Case No. -280 Year- 2015 Thana -SHERGHATI District- GAYA

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Sanjay Yadav S/o Rameshwar Yadav Resident of Village- Dharampur, P.S.
Dhobi District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi W/o Sanjay yadav Resident of Village-Dharampur, P.S.
Dobhi District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 30-03-2017 Heard learned counsel for the petitioner,
complainant-opposite party no.2 and the State. .

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in



paragraph 9 of the petition which reads as follows:-

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

Though the informant has filed another case being Gaya Mahila P.S. Case No. 09 of 2016 with similar accusation but this Court on the joint prayer of the parties vide order dated 20.02.2017 referred the matter to the Mediation and Conciliation Centre of State Legal Services Authority. The report of the Mediator dated 15.03.2017 at Flag ‘C’; reflects that the issue has been resolved. Both sides have decided to resume conjugal life on the condition that the petitioner will make payment of Rs.2,700/- from March, 2017 by 10th day of every succeeding month.

Learned counsel for the informant does not controvert the contention of the learned counsel for the petitioner that the issue has been resolved and informant is ready to resume the conjugal life but submits that till date monthly payment of Rs.2,700/- for the period March, 2017 has not been paid to the informant.

Counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2,700/- on month to month basis and he will make monthly payment for March,



2017 within a period of one week.

Considering the present stand of the parties and the agreement reached between the parties during mediation, 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 Additional Chief Judicial Magistrate, Sherghati, District - Gaya in connection with Sherghati (Dobhi) P.S. Case No. 280 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned court below will accept the bail bond of the petitioner on submitting proof with regard to payment of Rs.2,700/- to the informant.

Let this order along with the report of Mediator including terms of agreement be transmitted to the learned court below.

(Dinesh Kumar Singh, J.)

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