

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40919 of 2016**

Arising Out of PS.Case No. -179 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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Chandrakant Tiwari Son of Narayan Tiwari resident of Village - Marsara,  
P.S. - Draundha, District - Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Sati Devi Wife of Chandrakant Tiwari resident of Village - Marsara,  
P.S. - Draundha, District - Siwan. At present resident of P.S. - Siswan,  
District - Siwan.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv  
For the Opposite Party/s : Mr. Ram Pravesh Nath Tiwari, Adv

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

7      28-04-2017

Heard Mr. Yogesh Chandra Verma, learned  
senior counsel for the petitioner, Mr. Ram Pravesh Nath Tiwari,  
learned counsel for the informant and the State.

The petitioner and the informant are present in  
the Court.

The petitioner being husband of the informant  
is apprehending his arrest in a case registered for the offences  
punishable under Sections 498A, 494 of the Indian Penal Code  
and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-  
fulfilment of dowry demand and performing second marriage.



It is submitted by learned senior counsel for the petitioner that petitioner admits his marriage with the informant on 18.06.2010 having no issue. Since the informant is suffering from some mental abrasion, the petitioner filed Matrimonial Suit No. 234 of 2013 with a prayer for divorce and thereafter the present case has been lodged. It is further submitted that petitioner has not performed second marriage. A statement to that effect has been made in para 13 of the petition which reads as follows:-

*“That it is submitted that  
the petitioner has not solemnized second marriage.  
The petitioner is not willing to keep the informant  
because of her mental disorder which is not curable.  
However he is ready to settle the dispute.”*

On the joint prayer of the parties, vide order dated 10.03.2017 the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag-B dated 18.04.2017 suggests that several efforts were taken to get the issue reconciled but it could not be reconciled since informant/opposite party no. 2 declined to accept any proposal of the petitioner.

The matter is being adjourned since 20.09.2016. Hence, the issue does not likely to be resolved at present.



The order dated 06.02.2017 reflects that Commandant, 210 Cobra Battalion, C.R.P.F vide order dated 21.11.2014 directed the petitioner to make payment of Rs. 5000/- per month to the informant and the petitioner was ready to comply the said order.

It is submitted by learned counsel for the informant that informant is still ready to resume the conjugal life. However, the monthly payment as directed by the Commandant, C.R.P.F was paid only for three months by the petitioner, though the Commandant, C.R.P.F directed the petitioner to make payment since November, 2014.

Learned senior counsel for the petitioner submits that petitioner is ready to make payment of Rs. 35,000/- today to the informant and the rest of the arrear amount will be paid by the petitioner to the informant within a period of three months. The petitioner also undertakes to make payment of Rs. 5000/- per month to the informant as directed by the Commandant, 210 Cobra Battalion, C.R.P.F vide order dated 21.11.2014.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner.

It is expected from the counsel for the



informant to acknowledge the amount of Rs. 35000/- on the record.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for four months 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, Siwan in connection with Mahila P.S. Case No. 179 of 2015.

Henceforth, the entire arrear amount including the regular monthly payment will be deposited in the account of the informant by second week of every succeeding month.

Learned counsel for the informant undertakes to supply bank account number of the informant by submitting the same on affidavit before learned Court below within a period of two weeks.

The provisional bail of the petitioner will be confirmed by learned Court below on submitting the proof with regard to up-to-date payment of maintenance amount including the arrears as directed by the Commandant, 210 Cobra Battalion, C.R.P.F vide order dated 21.11.2014.



It is expected from the petitioner to submit the  
Xerox copy of the order of the Commandant, 210 Cobra Battalion,  
C.R.P.F dated 21.11.2014 on affidavit before learned Court below.

**(Dinesh Kumar Singh, J)**

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