

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28056 of 2016

Arising Out of PS.Case No. -435 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Prabhat Ranjan, Son of om Prakash Mishra, Resident of Village - Ajmari,
P.S. Banjariya, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandeshwar Pandey, Son of Late Sita Ram Pandey, Resident of
Village - Baithania, P.S. Manjhaulia, District - West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Kumar, Advocate
For the State : Mr. L. N. Thakur, APP
For the informant : Mr. R. K. Sharma, Sr. Counsel

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 24-04-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the daughter of the
informant is apprehending arrest in a case registered for the
offences punishable under Sections 323, 342, 498A, 504/34 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The petitioner admits his marriage with the daughter of
the informant having no issue.

Petitioner and the daughter of the informant are present
in the Court.

This Court vide order dated 26.07.2016, on joint prayer
of the parties, referred the matter to the Mediation and



Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 23.09.2016, kept at 'Flag-A' reflects that the issue could not resolve through the process of mediation.

It is submitted by learned counsel for the petitioner that the petitioner is not ready to keep the daughter of the informant as he is apprehensive due to the past conduct of the daughter of the informant.

Learned senior counsel appearing on behalf of the informant submits that the daughter of the informant is still ready to resume the conjugal life but she has been deserted by the petitioner and she is pursuing her studies at Motihari.

Considering the rival submissions of the parties, it appears that the issue is not likely to resolve in terms of resumption of the conjugal life.

However, it is further submitted by learned counsel for the petitioner that in alternative the petitioner is ready to make payment of Rs.5000/- per month to the daughter of the informant from June, 2017, by depositing the same in the bank account of the daughter of the informant by second week of every succeeding month.

It is further submitted by learned senior counsel for the



informant that the daughter of the informant is reluctantly ready to accept the offer of the petitioner since she has been pushed to destitution due to desertion and undertakes to submit her bank account number on affidavit before the learned court below within a period of four weeks. Hence, she is not opposing the prayer for bail of the petitioner, at present.

Considering the present stand of the parties in order to save the daughter of the informant from destitution and vagrancy with 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Majhaulia P.S. Case No.435/2015, 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 or any other collateral proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the daughter of the informant to file



an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to
reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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