

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34658 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -KOTHI District- GAYA

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1. Md. Faiyaz Alam @ Chhotu @ Chottu S/o Moinuddin Miyan Resident of
Village-Darji Bigha, P.S-Madanpur, Distt-Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Dr. Ajeet Kumar

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

ORAL ORDER

6 23-02-2017 Heard learned counsels for the petitioner, informant
and the State.

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

The basic accusation is of torture for non fulfillment of dowry demands.

The petitioner and the informant are present in court. Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a child and the petitioner is ready to keep her as wife with full dignity and



honour. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That, the petitioner is always ready to keep her with full dignity.”

Learned counsel for the informant submits that the informant is not ready to accept the offer of the petitioner since she is apprehensive due to past conduct of the petitioner.

On joint prayer of the parties, vide order dated 16.8.2016, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority. The report of the Mediator at Flag B dated 24.1.2017 reflects that the issue could not be resolved through the process of mediation.

It is further submitted by learned counsel for the informant that the informant wants to get the marriage finally dissolved through the process of law on payment of one time settlement amount of rupees five lacs. Learned counsel for the petitioner submits that the petitioner is a driver and he barely maintains himself and is unable to make payment of one time settlement amount. However, in the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2200/- per month to the informant from March,



2017 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant and the child from destitution and vagrancy with the 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 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 ACJM, Sherghati, Gaya in connection with Kothi P.S. Case No.18 of 2016 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 or maintenance proceeding.

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



application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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