

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41259 of 2016

Arising Out of PS.Case No. -237 Year- 2016 Thana -SIWAN CITY District- SIWAN

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1. Prashant Kumar Gaurav S/o Kaushal Kishor Pathak, resident of Mohalla-Daulatganj, Mirchai Tola, P.S.- Bhagwan Bazar, District- Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Madhubala Devi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 03-07-2017 Heard learned counsels for the petitioner, informant and the State.

The petitioner and the informant are present in court.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant being performed on 30.11.2014, having no issue, but due to the erratic



behaviour of the informant, the petitioner filed Matrimonial Suit No. 1 of 2016 on 17.3.2016 with a prayer for judicial separation and ten days thereafter, the present case was registered on 27.3.2016. However, the issue got reconciled subsequently, as a result, the petitioner withdrew the matrimonial suit but thereafter again the informant started behaving in erratic manner and the petitioner filed Matrimonial Suit No. 68 of 2016 on 12.4.2016 for restitution of conjugal life.

The matter was referred to mediation and Conciliation Centre but the issue could not be resolved and due to erratic behaviour of the informant, the petitioner is not ready to keep her as wife. The matter could not be resolved since the parties differed on the point of quantum of one time settlement amount to be paid by the petitioner.

Learned counsel for the informant submits that since very inception the stand of the informant was that she is ready to reside with the petitioner as wife. The allegation of erratic behaviour of the informant is an excuse for not keeping her as wife. During mediation also, the informant expressed her willingness to resume the conjugal life. However, in alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2000/- per month to the informant from August,



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

Considering the rival submissions of the parties, particularly their present stand, which at present will save the informant from destitution and vagrancy with a 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 CJM, Siwan in connection with Siwan Town P.S. Case No.237 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, maintenance or collateral 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)

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