

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25710 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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1. PRAVEER KUMAR @ PRAVEEN KUMAR son of Rameshwar sahni
Resident of Village salaha,P.S.Bochaha,District Muzaffarpur

.... Petitioner/s

Versus

1. State of Bihar
2. Sunita Devi wife of Late Mahendra sahni Resident of Mohalla
Brahampura, P.O. + P.S. Brahampura, District Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 02-03-2017 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 on 4.2.2014. Some how or the other, relationship between the petitioner and the informant did



not remain comfortable which led the petitioner to file Matrimonial Suit No. 64 of 2016 on 18.2.2016 with prayer for divorce on the ground of cruelty and desertion. In the aforementioned Matrimonial Suit, notices were issued to the informant on 11.4.2016. The petitioner also filed an inforamatory petition on 20.4.2016 and thereafter the present criminal case being Muzaffarpur Mahila P.S. Case No. 53 of 2016 was registered on 3.5.2016.

The petitioner has not performed second marriage. Statement to that effect has been made in paragraph 15 of the petition which reads as follows:

“That the petitioner has not solemnized second marriage as alleged by the informant.”

On the joint prayer of the parties, this court vide order dated 3.10.2016 referred the matter to Mediation & Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 25.11.2016 reflects that the issue could not be reconciled through the process of mediation.

The petitioner is not ready to keep the informant as he is apprehensive due to the past conduct of the informant. Though the issue could not reconcile in terms of payment of one time settlement amount but the petitioner is ready to make payment of



Rs.10000/- per month to the informant from April, 2017 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant submits that the marriage between the informant and the petitioner is not in dispute. In spite of the fact that it is the petitioner who deserted the informant and recently the informant has come to know that the petitioner performed second marriage. The bonafide of the informant gets reflected from the fact that in order to resume the conjugal life the informant went to her matrimonial house with her parents on 4.9.2016 when she was assaulted and attempt was made to cause burn injury to the informant. Consequently Bochaha P.S. Case No. 139 of 2016 was registered with accusation under sections 498A, 307 and 354/34 IPC.

The informant is not ready to accept the monthly payment and is only ready to resolve the issue in terms of resuming the conjugal life even today.

Considering the rival submissions of the parties, it appears that there is no likelihood of the issue being reconciled at present. However, keeping in view of the filing of matrimonial suit and inforatory petition prior to the filing the present criminal case, present stand of the petitioner of making monthly payment



and in order to 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 ACJM- VII, Muzaffarpur in connection with Muzaffarpur (Mahila) P.S. Case No. 53 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will make the monthly payment by depositing the same before the learned Court below by second week of every succeeding month.

The abovementioned deposit will be subject to result of the case. However, if the informant files an application for release of such amount then the learned Court below will release such amount on month-to-month basis. It is also expected from the learned Court below to release the accumulated amount so deposited by the petitioner. On submission of bank account number, on affidavit, before the learned Court below by the informant, the petitioner will be obliged to deposit such amount in the bank account of the informant.

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)

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