

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.43149 of 2016**

Arising Out of PS.Case No. -25 Year- 2016 Thana -GARKHA District- SARAN

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Binod Das, son of Prem Chand Das, resident of Village- Fulwariya, P.S. Garkha, District- Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Gita Devi, daughter of Late Dlarchand Das, resident of Village- Chainpur Ghurana, Police Station- Marhowra, District- Saran.

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

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Devi

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

ORAL ORDER

05/ 02-03-2017

Heard learned counsels for the petitioner, State

and the informant-opposite party no. 2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 406, 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant having no issue. Somehow and other compatibility could not develop as a result the petitioner filed Matrimonial Suit No. 523 of 2014 on 25.11.2014 with a prayer for divorce



on the ground of desertion and cruelty and thereafter the informant filed Complaint Case No. 346 of 2015 on 11.02.2015 which came to be registered as police case on 23.01.2016. The petitioner is not ready to keep the informant, at present, as he is apprehensive due to the past conduct of the informant. The relationship got deplorable after filing of the present case the parents of the petitioner were arrested.

Counsel for the informant submits that the informant is still ready to resume the conjugal life.

Considering the rival submissions of the parties, it appears that the issue could not reconcile at present.

Counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2,000/- per month from April, 2017 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is, reluctantly, ready to accept the offer of the petitioner and undertakes to deposit the bank account number on affidavit before the learned court below within a period of three weeks. Hence, at present, counsel for the informant is not opposing the prayer for anticipatory bail.

Considering the present stand of the parties,



filing of the matrimonial suit at earlier point of time, 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 his 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 Chief Judicial Magistrate, Saran at Chapra in connection with Garkha P.S. Case No. 25 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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