

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46527 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -JAGDIHSPUR District- BHOJPUR

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1. Md. Hadish Rain Son of Abdul Karim Resident of Village-Jagdishpur
Gurhatta, Police Station-Jagdishpur, District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Reshma Praveen Wife of Md. Hadish Rain Resident of Village-
Jagdishpur Gurhatta, Police Station-Jagdishpur, District-Bhojpur at Present
residing at Mohalla-Milki, Ward No. 25, Arrah, Police Station-Nagar,
District-Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Md. Ansarul Haque

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

ORAL ORDER

6 29-06-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being the husband of the informant is
apprehending his 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.

It is submitted by the learned counsel for the petitioner
that the petitioner admits his marriage with the informant and birth
of a female child on 22.07.2015, but due to erratic behaviour of



the informant the petitioner gave her Talaq prior to lodging of the present case.

This Court vide order dated 10.03.2017 referred the matter to the Mediation Centre, but the report of the mediator dated 20.06.2017, kept at flag 'D', reflects that the matter could not be resolved through the process of mediation.

It is submitted by the learned counsel for the petitioner that in the circumstances, at present, the petitioner is not ready to keep the informant, however, in alternative he is ready to make payment of Rs. 3,000/- 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 submits that the issue could not be resolved during mediation since the petitioner did not appear. The informant is still ready to resume her conjugal life, however, she is reluctantly ready to accept the offer of the petitioner of monthly payment and further agree to submit her Bank Account number on affidavit within a period of four weeks. It is further submitted that the informant denies the factum of Talaq.

Considering the rival submission of the parties, it appears that on the joint prayer of the parties, twice the matter was referred to Mediation and Conciliation Centre, but on the first



occasion, the informant failed to appear, while, on the second occasion, the petitioner did not appear, as a result, the issue could not be resolved. The factum of birth of female child is admitted, but the factum of Talaq is in dispute.

In view of the present stand of the petitioner which at least will save the informant and the minor child from vagrancy and destitution and with a lurking hope that the issue may reconcile in future, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XI, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 113/2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any order being passed in Matrimonial, Maintenance or collateral proceedings.

Three consecutive defaults in making payment will give liberty to the learned court below to cancel the bail bond of the petitioner.

The present order in no way will preclude the party to



reconcile the issue otherwise.

(Dinesh Kumar Singh, J.)

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