

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6553 of 2018

Arising Out of PS.Case No. -165 Year- 2017 Thana -DINARA District- SASARAM (ROHTAS)

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Prabhat Ranjan Singh @ Bablu @ Prabhat Ranjan @ Bablu Kumar S/o
Kamlesh Singh, R/o Village- Barahari Kala, P.S.- Dinara, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiwani Devi @ Jyoti Devi W/o Prabhat Ranjan Singh @ Bablu Singh
D/o Manoj Kuamr Singh, R/o Village- Barahari Kala, P.S.- Dinara,
District- Rohtas at present R/o Village- Baradhi, P.S.- Dinara, District-
Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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

ORAL ORDER

03/ 16-03-2018

Heard learned counsels for the petitioner, the State
and informant-opposite party no.2.

The petitioner and informant are present in the
Court.

The petitioner being the husband of the informant is
apprehending his arrest in a case registered for the offences
punishable under Sections 341, 323, 504, 506, 498A/34 of the
Indian Penal Code and Sections 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 and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:-

“That the petitioner is ready to reside with the O.P. No. 2 with all love and affection and it was the victim who herself left her matrimonial home and never resides with joint family.”

The petitioner reiterates his stand of taking the informant to matrimonial home.

However, it is submitted by learned counsel for the informant that the informant is ready to reconcile the issue only in terms of payment of one time settlement amount. The complainant is so apprehensive due to the past conduct of the petitioner that she is not ready to resume the conjugal life.

On the joint prayer of the parties vide order dated 02.02.2018 the matter was referred to Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator at Flag ‘P’ dated 27.02.2018 reflects that the issue could not resolved through the process of Mediation. Today also effort has been made to reconcile the issue but it appears that the informant is reluctant to resume the conjugal



life.

Counsel for the petitioner submits that the petitioner is unemployed person and is not in a position to make one time settlement amount. However, the petitioner is ready to pay Rs.1,500/- per month from May, 2018 to the informant by depositing the same in her bank account by second week of every month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 165 of 2017, 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 or maintenance or collateral 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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