

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6238 of 2018

Arising Out of PS. Case No.-46 Year-2017 Thana- MAHILA P.S. District- Rohtas

Jabir Ali, Son of Gulam Mustafa Ansari, Resident of Village-Benikala Tola
Vandu Bigha, P.S.-Husainabad, District-Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-04-2018 Heard learned counsels for the parties.

The petitioner and the informant are present in court.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323 and 506/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the written report of Afsana Khatoon dated 12.7.2017 submitted before the SHO, Mahila Police Station, Dehri, to the effect that the informant O.P. No. 2 performed marriage with the petitioner on 28.12.2016 as per the Muslim rites and rituals. At the time of marriage, assurance was given that the petitioner works in Saudi Arabia and earns handsome amount, but after four-five months of the marriage, further dowry demand of Rupees Five Lacs was made. The



accused persons, after snatching all the belongings of the O.P. No. 2 and taking her signature on a plain paper, driven her out from the matrimonial house leading to filing of the present FIR.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant having no issue. However, due to the past conduct of the O.P. No. 2, the petitioner is not in a position to keep her at present.

Learned counsel for the informant submits that the petitioner got the interim order on the basis of submission that he is ready to keep the informant. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That the petitioner is husband and ready to keep his wife with honour and dignity.”

It appears that vide order dated 16.3.2018, the matter was referred to the Mediation and Conciliation Centre of Bihar State Legal Services Authority on the joint prayer of the parties and during mediation, the petitioner retracted from the initial version that he is ready to keep the informant as wife with full dignity and honour. However, the O.P. No. 2 is still ready to resume the conjugal life.

Having heard learned counsels for the parties, it appears that on the joint prayer of the parties, this Court, vide order



dated 16.3.2018, referred the matter to the Mediation and Reconciliation Centre of Patna High Court. The report of the mediator dated 16.4.2018 at 'Flag-B' reflects that in spite of best and sincere efforts, the issue could not be resolved through the process of mediation. In view of the inconsistent stand of the parties, it does not appear that the issue can be settled at present. The petitioner is ready to make payment of Rs.3500/- per month from June, 2018 to the informant by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the informant submits that the informant, though reluctantly, accepts the offer and is ready to submit her bank account number within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sasaram in connection with Dehri (Mahila) P.S. Case No. 46 of 2017



subject to the conditions laid down in Section 438(2) of the Cr.P.C.

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

Three consecutive defaults in making payment will given 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.

(Dinesh Kumar Singh, J)

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