

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6581 of 2018

Arising Out of PS.Case No. -60 Year- 2017 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

=====

Karan Pal @ Karan Paul, S/o Late Shukhu Pal, R/o Village- Akhiashpur,
P.S.- Bhabhua, District- Kaimur At present Building No. A/4, Room No-6,
Ambawati Kalayan, P.S.- Titwala, District- Thane (Maharashtra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

For the Informant : Mr. Ajay Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 20-08-2018

Learned counsel for the petitioner is permitted to make correction with regard to alias name of the petitner.

Heard learned counsels for the petitioner, the State and the informant.

The petitioner, being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 406, 504, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation as per the written report of Guriya Kumari dated 07.09.2017 submitted to Station House



Officer, Dehri Mahila P.S., is to the effect that the informant's marriage with the petitioner was performed in 2013. The informant was kept with dignity for six months and thereafter further demand of Rs. Two lacs and a car was made by the husband and members of the in-laws family and for non-fulfillment of the same, the torture was inflicted upon her. However, in the meantime, the informant gave birth of two children. It is further alleged that on 02.09.2017, the informant was assaulted by her husband, the petitioner and her mother-in-law tried to cause burn injury by pouring kerosene oil upon her but, she was saved due to intervention of the neighbours. Thereafter, the informant escaped from the matrimonial house and reached at parents' house on 05.09.2017.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That the petitioner is the husband of the victim and he is ready to keep the victim with all respect and dignity.”



On instruction the abovementioned offer of the petitioner was accepted by the learned counsel for the informant but since the informant was apprehensive due to the past conduct of the petitioner, on the joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 05.02.2018 when both sides agreed to appear in mediation on 26.02.2018 and the matter was fixed for 30th of March, 2018. This Court vide order dated 30.03.2018 in view of the interim report of the Mediator dated 28.03.2018 extended the period of mediation for further three months and directed that this matter be listed on 6th of July, 2018. The matter was adjourned on 06.07.2018 when it was submitted on behalf of the petitioner that the petitioner could not appear before the mediator since he was undergoing some training being a Loco Pilot in Railways and when on the joint prayer of the parties, the matter was remanded back to the Mediator and the matter was fixed for today. The report of the Mediator dated 16.08.2018 at Flag 'B' reflects that in spite of the sincere effort the mediation could not succeed.

It is further submitted by learned counsel for the petitioner that the petitioner is still ready to keep the informant and two children with dignity and honour. However, learned



counsel for the informant submits that the informant, at present, is not ready to resume the conjugal life.

In the circumstances, learned counsel for the petitioner, in alternative, offers to make payment of Rs.8,000/- per month to the informant for maintenance and upkeep of the informant and the two children from October, 2018 by depositing the same into the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant accepts the offer of the petitioner, on instruction of the informant, and in the circumstances, at present, he is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties keeping in view the fact that the present stand of the parties will, at least, save the informant and the children 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, 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, Rohtas at Sasaram in connection with Rohtas Mahila P.S. Case No. 60 of



2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The abovementioned 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 informant to file application for cancellation of the bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

