

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9541 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- MAHILA P.S. District- Patna

DEEPAK KUMAR Son of Sri Lal Babu Singh Resident of Village - Ugna,
P.S-Jagdishpur, Dist.-Bhojpur at Ara. At present resident of Mohalla-
Shastrinagar Quatrer No. 20/800, bailey Road , PS and PO - Shastrinagar,
Distt - Patna

... .. Petitioner/s

Versus

1. The State of Bihar and ANR Bihar
2. Vaishali Sinha Wife of Deepak Kumar, D/o of Late Ram Ratan Prasad
Resident of Mohalla - Indrapuri, Sipara, Post Office- Dhelwan, P.S-Beur,
Dist.-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh Mr.Lokesh Kumar Singh
For the Opposite Party/s :		Mr.Rajendra Nath Jha
For the Informant	:	Mr. Sanjeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-07-2019 Heard learned counsels for the petitioner, informant
and APP for the State.

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

The prosecution case as per the written report of
Vaishali Sinha submitted to the SHO, Gardanibagh Mahila
Police Station is to the effect that the informant was married
with the petitioner on 1.3.2017 but subsequent to the marriage,



further dowry demand of cash and a car was made and due to non-fulfillment of the same, torture was inflicted upon the informant and ultimately, she was being driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a female child. It is further submitted that the informant herself deserted the petitioner. Moreover, the petitioner is ready to keep the informant as wife with full dignity and honour. Statement to that effect being made in paragraph 16 of the petition, which reads as follows:-

“That the petitioner is still ready to keep the informant as wife with full dignity and honour but the informant herself does not ready to lead conjugal life with the petitioner to the reason best known to her and after though cooked up this false case with false allegations also with a view to harass and humiliate the petitioner and his family members with malafide intentions.”

It is also submitted that the petitioner filed Matrimonial Case No. 932 of 2018 with a prayer for restitution of conjugal rights, however, the petitioner is also ready to settle the issue in terms of parting ways on making payment of one



time settlement amount.

It is submitted by learned counsel for the informant that the informant is so much perturbed with the past conduct of the petitioner that she is not ready to resume the conjugal life and the issue of getting the marriage dissolved in terms of payment of one time settlement amount could not be materialized due to non-agreement with regard to the quantum of one time settlement amount. Hence, if the same is not being paid, some monthly payment should be made so that she can maintain herself and the minor child.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs.3,000/- per month to the informant from August, 2019 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the informant, on instructions, submits that the informant accepts the offer and is ready to submit her bank details within a period of two weeks from today by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant and the minor child at least 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 JM Ist Class, Patna in connection with Mahila P.S. Case No. 127 of 2018 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 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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