

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12095 of 2019

Arising Out of PS. Case No.-44 Year-2018 Thana- MAHILA P.S. District- Purnia

AMIT KUMAR Son of Chandreshwar Jha Resident of Kaptan Para, Maa Kali Traders, P.S- Sadar , District- Purnea

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kumari Ekta D/o Late Vedanand Thakur, Wife of Amit Kumar R/o Mohalla- Saheban, Hata, Sri Nagar Road, Purnea, P.S- K. Hat, District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For Informant	:	Smt. Nivedita Nirvikar, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-05-2019 This application, for grant of anticipatory bail, arises out of Mahila P.S. Case No. 44/18, disclosing offences under Sections 341, 323, 354(B), 494, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the informant and allegation against him is of subjecting the informant to cruelty and torture with respect to demand of dowry and also of ousting her from her matrimonial house.

Submission of learned counsel for the petitioner is that entire allegation is false and concocted and the root of dispute is that the informant applied for compassionate



appointment in place of her father giving the false information that she is unmarried, which was objected by the petitioner and in this regard the petitioner has also given an informatory petition before the concerned authority and further the informant also has illicit relationship with one Alok Kumar, for which, also he has filed the informatory petition and the divorce petition filed by the petitioner is also pending.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant countered the submission of learned counsel for the petitioner and submitted that the allegation that she gave false information that she is unmarried to get the job on compassionate ground and further she has illicit relationship with some other person, is imaginary and frivolous and those allegation cannot be a ground for divorce, whereas, there is specific allegation against the petitioner that he subjected the informant to cruelty and torture and he has now remarried also. Further submission is that in these background, it will not be possible for the informant to live with the petitioner and, hence, she desires for one time settlement.

Having heard both sides, considering the facts and circumstances of the case, let the petitioner, above named, in



the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea, in connection with Mahila P.S. Case No. 44/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and the matter be referred to Mediation Center Purnea, run by Purnea District Legal Service Committee and the Center shall try for an amicable settlement between the parties and submit a report to the court below if possible within four months. Needless to say that both the parties have to appear before the Mediation Center.

It is also made clear that failure on the part of the petitioner to participate in mediation, opposite party no.2 will be at liberty to move for cancellation of bail bond of the petitioner before the court below.

(Vinod Kumar Sinha, J)

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