

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15776 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- UPHARA District- Aurangabad

RAHUL KUMAR Son of Harinandan Mehta Resident of Village - Teyap,
P.S.- Uphara, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.

Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 27-11-2019 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

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

The prosecution case as per the written report of Amrita Yamini submitted to the SHO, Uphara Police Station is to the effect that the informant's marriage with the petitioner was performed on 23.5.2017 but subsequent to the marriage, the petitioner and other family members started demanding further dowry of a car and due to non-fulfillment of the same, torture was inflicted on the informant by the petitioner and the in-laws family members. It is also alleged that the petitioner, in inebriated condition, assaulted the informant.



It appears that on joint prayer of the parties, the matter was referred to mediation vide order date 14.3.2019 but the report of the Mediator dated 10.5.2019 at 'Flag X' reflects that the issue could not be resolved through the process of mediation. Thereafter, on the joint prayer of the parties, the matter was again referred for mediation vide order dated 15.5.2019. The report of the Mediator dated 9.7.2019 at 'Flag Y' reflects that the mediation could not commence since the petitioner failed to appear.

It is submitted by learned Senior counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour though statement to that effect has not been made in the petition. On the contrary, statement has been made in paragraph 10 of the petition that the petitioner is ready for one time settlement.

The petitioner and the informant are present in Court. The petitioner is army personnel and is on leave which is expiring in ten days.

In the circumstances, the petitioner is ready to take the informant from the Court itself to her matrimonial house. The offer is acceptable to the informant as she is ready to stay in the



matrimonial house. Since the relationship between the petitioner and the informant has gone strained, the petitioner is apprehensive that the informant may not behave well with the parents of the petitioner. On the contrary, the informant is also apprehensive for similar treatment at the hands of the family members of the petitioner when the petitioner will go and live at the place of his posting.

Considering the rival submissions of the parties and the present stand of the parties, this Court is inclined to grant provisional anticipatory bail to the petitioner with a lurking hope that the issue may reconcile between the parties finally. In the circumstances, let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six 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, Daudnagar, Aurangabad in connection with Uphara P.S. Case No. 1 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned court below in three eventualities - (I) if the matrimonial harmony is substantially restored, or (ii) if



the informant fails to appear before the learned court below, or
(iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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