

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21161 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- KISHANGANJ District- Kishanganj

Vivek Agrawal, Son of Mahesh Kumar Singhal, Resident of Tegharia Reli Gola Ward No. 12, P.S. + District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Doli Agrawal D/o Late Shashi Kant Mishra Resident of Village- Dumara Ward No. 29 behind Sani Mandir, P.S. + District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner, learned counsel for the informant-opposite party no. 2 and learned APP for the State.

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

The prosecution case as per the written report dated 30.12.2018 of the informant, Doli Agrawal submitted to the Station House Officer of Kishanganj Police Station is to the effect that she was taking coaching in the Coaching Institute of the petitioner and subsequently, he established physical relationship and consequently, the marriage was performed, but subsequent to the marriage dowry demand of Rs.Five lakhs and



a Maruti car was made and due to the non-fulfillment of the same, torture was inflicted upon the informant and she was driven out from the matrimonial house on 11.12.2018.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant having no issue. The petitioner started residing from the parents under the pressure of the informant and is ready to take her to the place where he is residing.

Learned counsel for the informant submits that the informant is also willing to resume the conjugal life but she wants to reside in the matrimonial house, however, the father of the petitioner during mediation has refused to allow the informant to reside in the matrimonial house, as a result, mediation failed.

Considering the rival submissions of the parties, it appears that on the joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of the Legal Services Committee of the Patna High Court vide order dated 12.04.2019, however, the report of the Mediator dated 27.06.2019 at Flag 'M' reflects that the issue could not be resolved through the process of the mediation. Hence, it does not appear that the issue can be resolved between the parties in



the present proceeding.

However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4,000/- per month to the informant from August, 2019 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned counsel for the informant submits that the informant is, reluctantly, ready to accept the offer of the petitioner and undertakes to submit her bank account detail on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties which, at present, will save the informant 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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 03 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The above mentioned 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 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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