

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74018 of 2018**

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA PS District- East Champaran

Pawan Kumar @ Pawan Kumar Singh, son of Gorakh Singh, R/o Village-
Olaha, P.S.-Harsidhi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 17-07-2019 Heard learned Counsels for the petitioner, informant
and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 342, 504,328, 406 and 498/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Kumari Pinki submitted to the S.H.O., East Champaran, Motihari dated 22.06.2018 is to the effect that marriage of the informant and the petitioner was performed 26.04.2018 and the informant was kept well for few days and thereafter, torture was inflicted for non-fulfillment of further dowry demand of bolero vehicle. It is alleged that on 16.06.2018, all the accused persons



assaulted the informant and forced her to consume some intoxicant, thereafter snatched all her belongings and driven her out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner is a constable in Border Security Force and admits his marriage with the informant having no issue, but due to the apathetic attitude of the informant, he is not ready to keep her and due to the apathetic attitude of the informant, the issue could not be resolved through the process of mediation.

Mr. S. B. K. Mangalam, learned counsel for the informant submits that the marriage between the petitioner and the informant is not in dispute and the informant is still ready to resume the conjugal right.

It appears that this Court vide order dated 12.03.2019, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority, but the report of the Mediator dated 15.04.2019, kept at 'Flag-A' reflects that the issue could not be resolved through the process of mediation.

The petitioner and the informant are present.

After having considering the rival submissions of the parties, it appears that the issue cannot be resolved in the



present proceeding, on the terms of resumption of conjugal right.

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

Learned counsel for the informant on instruction submits that the informant reluctantly accepts the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties which, for the present, will, at least, 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 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in



connection with Mahila P.S. Case No.33 of 2018 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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