

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70632 of 2018

Arising Out of PS. Case No.-71 Year-2018 Thana- MAHILA P.S. District- Bhojpur

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Omkar Singh @ Omkar Nath Singh Resident of Village- Pakari, in front of circuit house Road Ara, Police Station- Ara Nawada in the district of Bhojpur, Ara.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ritcha Singh, Daughter of Phulendra Singh, Presently residing in Village Maruti Nagar, Police Station Ara Town, in the district of Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 31-07-2019 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 498A and 379/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Richa Singh, dated 28.05.2018, submitted to the Station House Officer, Ara Mahila Police Station, is to the effect that the informant was married with the petitioner on 10.03.2017, but subsequently, further dowry demand of Rs.50 lacs was made for



the purpose of buying a flat and due to non-fulfillment of the same, the informant was tortured by the petitioner and other in-laws family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, having no issue. It is further submitted that since the informant has illicit relationship with some person, hence, the petitioner filed Matrimonial Suit No.87 of 2018 on 20.03.2018 with a prayer for dissolution of marriage, on the ground of adultery and thereafter, the present FIR has been registered on 28.05.2018 as a retaliatory measure. It is further submitted that the petitioner is, at present, unemployed and he is not ready to keep the informant in view of the allegations levelled in the Matrimonial Suit filed at earlier point of time with a prayer for dissolution of marriage on the ground of adultery.

Learned counsel for the informant submits that the Matrimonial Suit, for dissolution of marriage, has been filed on the ground of adultery, but without making the adulterer as a party in the said suit suit and without even mentioning his name, which suggests that the Matrimonial Suit has been filed on frivolous grounds. Moreover, the informant has not received any notice in the aforesaid Matrimonial Suit and the informant is



still ready to resume the conjugal life and similar was the stand of the informant during mediation also. However, during mediation the issue could not be resolved in terms of parting ways on payment of one time settlement amount, since there was a dispute with regard to quantum of the one time settlement amount. It is further submitted that all the educational/academic certificates of the informant have been kept by the petitioner.

This Court vide order dated 28.03.2019, on joint prayer of the parties, referred the matter to the Patna High Court Mediation and Conciliation Centre, but the report of the Mediator dated 23.04.2019 kept at 'Flag-M' reflects that the issue could not be resolved through the process of mediation.

The informant and the petitioner are present in the Court.

Learned counsel for the petitioner further submits that the petitioner denies to have kept the educational/academic certificates of the informant and in alternative, the petitioner is ready to make payment of Rs.4,000/- 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 further submits



that though the informant reluctantly accepts the offer of the petitioner but she is not satisfied with the quantum of monthly amount offered to her. However, she undertakes to submit her bank account details on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties which for the present, at lease, 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 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 SDJM, Bhojpur, Ara in connection with Mahila P.S. Case No.71 of 2018 (G.R. No.2338 of 2018), subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial, maintenance or any other collateral 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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