

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61238 of 2018**

Arising Out of PS. Case No.-39 Year-2018 Thana- MAHILA P.S. District- Bhojpur

KAJU BABU @ SINTU KUMAR @ PINTU KUMAR S/o Aado Nath Singh,
Resident of Village-Tipura, P.S.-Bihiya, District-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Opposite Party/s : Mr.Sri Rajesh Kumar

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

4 08-03-2019 Heard learned counsels for the parties.

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 IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the written report of Shikha Suman submitted to the SHO, Ara Mahila Police Station is to the effect that the marriage of the informant with the petitioner was performed on 2.6.2015 but few days after the marriage, further dowry demand of Apatchi Motorcycle and Rupees Two Lacs cash was made and for non-fulfillment of the same, torture was inflicted upon the informant. The issue was reconciled for the time being but ultimately, the informant was driven out from the matrimonial house on 20.9.2017.



It is submitted by learned 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. Statement to that effect has been made in paragraph 10 of the petition which reads as follows:

“That, the petitioner never assaulted, humiliated and even tortured her wife and he loved his wife and is ready to continue his conjugal life with her.”

It is further submitted that the petitioner has also filed Matrimonial Suit No. 394 of 2017 on 6.11.2017 for restitution of conjugal right, which is pending before the learned Principal Judge, Family Court, Ara whereas the present FIR was registered on 24.3.2018.

Learned counsel for the informant submits that the informant is also ready to accept the offer of the petitioner.

Though it appears that vide order dated 29.11.2018, the matter was referred to Patna High Court Mediation Centre and the report of the Mediator dated 1.3.2019 suggests that the issue could not be resolved through the process of mediation but keeping in view the present stand of the parties, where both sides agree to appear before the learned court below on 15.3.2019 when the petitioner will take the informant to her



matrimonial house and keep her with full dignity and honour, let the petitioner above named be released on provisional anticipatory bail for four 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 SDJM, Bhojpur at Ara in connection with Mahila P.S. Case No. 39 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional 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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