

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62140 of 2018

Arising Out of PS. Case No.-21 Year-2018 Thana- MAHILA PS District- Aurangabad

Ashutosh Kumar son of late Raj Narayan Singh, resident of village – Shivnathpur, P.S. Baruna, District Aurangabad

... .. Petitioner/s

Versus

1. State Of Bihar
2. Jyoti Rani wife of Ashutosh Kumar, daughter of Jay Kishor Singh resident of Village – Tendua Harkesh, P.O. Dhangai, P.S. Obra, District Aurangabad, at present resident of Maharana Pratap Nagar, New Area, Ward No. 11, Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar Ray
For the Opposite Party/s : Mr.Sri Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-03-2019 Heard learned counsels for the petitioner, informant and 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, 323,504,506 and 120B of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Jyoti Rani dated 4.8.2018 submitted to the SHO, Aurangabad, is to the effect that the informant's marriage with the petitioner was performed on 9.12.2016 but immediately after the marriage, torture was inflicted and further dowry demand of Rupees Two Lacs and a car was made and due non-fulfillment of the same,



the petitioner and other accused persons started torturing the informant brutally. It is further alleged that on 22.7.2018, the informant was assaulted and ultimately, she was driven out of the matrimonial house by the petitioner and other in-law family members.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant being performed on 9.12.2016 but this fact was concealed that the informant was suffering from some neurological problem, as a result, the petitioner preferred Matrimonial Suit No. 515 of 2017 on 15.2.2018 before the learned Principal Judge, Family Court, Patna for declaring the marriage void by passing a decree of nullity and thereafter, the present FIR has been registered on 4.8.2018. In support of the contention, learned counsel for the petitioner has brought on record certain medical prescriptions of the informant which suggest that she is undergoing treatment of neurologist and the attention of this Court has also been drawn to the narrative of the written report wherein the informant has admitted that twice she became unconscious at the matrimonial house. However, the petitioner is ready to get the issue resolved on payment of one time settlement amount.

Though the matter was referred to Mediation on the



joint prayer of the parties but the report of Mediator suggests that the issue could not be resolved through the process of mediation between the parties. However, in the alternative, the petitioner is ready to make payment of Rs.4,500/- per month to the informant from April, 2019 by depositing the same into her bank account by 10th day of every succeeding month.

It is submitted by learned counsel for the informant that the informant was not suffering from any neurological problem prior to marriage and in order to get the marriage dissolved, a fake and baseless excuse of the informant being suffering from neurological problem has been taken and as such the matrimonial suit has been filed. The informant is still ready to resume the conjugal life. However, she is reluctantly ready to accept the offer of the petitioner and is ready to submit her bank account number within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the fact that the issue could not be resolved through the process of mediation, as gets reflected from the report of the Mediator and the present stand of the parties, in order to save the informant for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in



future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 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 SDM, Aurangabad in connection with Aurangabad Mahila P.S. Case No. 21 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order 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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