

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63986 of 2018

Arising Out of PS. Case No.-168 Year-2018 Thana- MADANPUR District- Aurangabad

Nilesh Yadav, son of Ramdeni Yadav, resident of Village-Bhaluha, P.S.-
Madanpur, Districtg-Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sunita Devi, W/O Nitesh Yadav, Village-Bhaluha, P.S.-Madanpur, District-
Aurangabad, at present Vill-Bilat Bigha, P.S.-Barun, District - Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Sri Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 26-06-2019 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, 504, 506 and 34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

The prosecution case got initiated on the basis of
written report of Sunita Devi, submitted before the Station
House Officer, Madanpur Police Station, is to the effect that the
informant was married with the petitioner about two years prior
to lodging of the present case, but subsequent to the marriage,
further dowry demand of Rupees Two Lacs and a gold chain



was made and due to non-fulfillment of the same, torture was inflicted upon the informant. It is further alleged that on 08.07.2018, the informant was confined into a room and on being received such information when the father of the informant came and made protest for that, then the informant was assaulted badly and ultimately she was driven out from the matrimonial house after snatching all her jewellery.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“.....and he is ready to
keep his wife.’

This Court vide order dated 10.04.2019, on joint prayer of the parties, referred the matter to the Patna High Court Mediation and Conciliation Centre. The report of the Mediator dated 21.06.2019, kept at flag’M’ reflects that issue could not be reconcile between the parties through the process of mediation.

Learned counsel for the informant submits that the informant is apprehensive due to the past conduct of the petitioner. Hence, she is not ready to resume the conjugal rights.



Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs.1,500/- 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 reluctantly the informant is ready to accept the offer of the petitioner and undertakes to submit 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, at least will save the informant from destitution and vagrancy with a lurking hope that the issue may reconcile in future between the parties, 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, Aurangabad in connection with Madanpur P.S. Case No. 168 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 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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