

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55221 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- MAHILA P.S. District- Muzaffarpur

MUNNA KUMAR Son of Bhawan Das Resident of Village - Deoriya
Mehandiganj, P.S.- Deoriya, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Devi Wife of Munna Kumar, D/o Shivnath Das Resident of Village
-Rasulpur, P.S.- Motipur, Distt - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant, Kavita Devi is married with the petitioner Munna Kumar on 27.06.2016, but subsequent to the marriage, there was further dowry demand of Rupees Five Lac and due to non-fulfillment of the same, torture was inflicted upon the informant. Though attempt was made to resolve the issue between the parties, but it



could not be resolved.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“:..... till today petitioner is ready to keep his wife with full dignity and honour....”

It appears that vide order dated 28.11.2019 passed by a Co-ordinate bench of this Court, on the request of learned counsel for Opposite Party No.2, the matter was referred to Patna High Court Mediation and Reconciliation Centre. The report of the Mediator, dated 14.01.2020, kept at ‘Flag-M’ reflects that the issue could not be resolved between the parties through the process of mediation.

The counsel for the informant submits that due to past conduct of the petitioner, the informant is not ready to resume the conjugal life.

It is further submitted on behalf of the petitioner that, in alternative, the petitioner is ready to make payment of Rs.2000/- per month to the informant from April, 2020 by



depositing the same in the bank account of the informant by second week of every succeeding month.

It is further submitted by learned counsel for the informant that the informant is ready to accept 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 and in view of the fact that the present order 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 SDJM, West, Muzaffarpur, in connection with Mahila P.S. Case No.1 of 2017 , 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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