

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54685 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- MAHILA P.S. District- Madhepura

MANTOO YADAV @ MANTOO RAJ Son of Shivam Prasad Yadav Resident of Bhairapur, Ward No. 3, P.S.- Kumarkhand, District - Madhepura at present Resident of Village - Gorhalla, P.S.- Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Renu Devi Wife of Mantoo Yadav Resident of Village - Goralla, Ward No. 8, P.S.- Bharrahi O.P., Madhepura, District - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad
For the Opposite Party/s	:	Mrs. Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-03-2020 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, 506, 498A and 494/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Renu Devi submitted to the Station House Officer, Mahila Madhepura Police Station, is to the effect that the informant was married with the petitioner about 12 years prior to the lodging of the FIR and subsequently, they were blessed with a female child, but thereafter, further dowry demand of Rs. 5 lacs was made and



due to non-fulfillment of the same, the informant was tortured by all the accused persons including the petitioner. It is further alleged that the petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and out of wedlock, birth of a female child. The informant is still residing in her matrimonial house with the father of the petitioner. However, on joint prayer of the parties, vide order dated 20.11.2019, the matter was referred to the Mediation Centre of the Patna High Court Legal Services Authorities and through the process of mediation, the issue was resolved between the parties on the terms that the petitioner will pay Rs. 4,000/- per month from December, 2019 to the informant by depositing the same in the bank account of the informant. Learned counsel for the petitioner further submits that the petitioner undertakes to comply the terms and conditions agreed before the Mediation Centre.

Learned counsel for the informant submits that in pursuance to the report of the mediation centre, the petitioner is not paying the agreed amount. However, if the petitioner makes agreed monthly payment to the informant then she will not oppose the prayer of anticipatory bail of the petitioner. It is



further submitted that the informant undertakes to supply her bank details to the petitioner within a period of three weeks by submitting the same on affidavit before the learned Court below.

Considering the present stand of the parties, on showing certificate with regard to up-to-date payment to the informant as agreed before the Mediation Centre, the provisional bail granted to the petitioner, vide order dated 30.08.2019 will be confirmed by the learned Court below.

The above mentioned payment will be subject to any order being passed in matrimonial, maintenance or any other collateral proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file an application for cancellation of the bail of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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