

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74163 of 2019

Arising Out of PS. Case No.-201 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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JYOTI OM PRAKASH @ JYOTI PRAKASH Son of Vishwanath Singh
Resident of Village- Belwaiya (Mathiyan), P.S.- Dinara, District- Rohtas at
Sasaram.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Rina Devi Wife of Jyoti Om Prakash @ Jyoti Prakash Resident of Village-
Belwaiya (Mathiyan), P.S.- Dinara, District- Rohtas at Sasaram. Daughter of
Vijay Singh, at present resident of Village- Lerua, P.S.- Sasaram (T), P.O.-
Kanchanpur, District- Rohtas at Sasaram.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Raghunandan Kumar Singh,Advocate
For the State	:	Mr.Md.Fahimuddin, APP
For the O.P. No. 2	:	Mr.Ram Chandra Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-01-2021 Heard learned counsel for the petitioner, learned
counsel for the complainant-O.P. No. 2 and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is the husband of
O.P. No. 2 and is seeking pre-arrest bail in connection with
Complaint Case No. 201 of 2017 registered for the offences
punishable under Sections 498-A of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

The allegation against the petitioner is that of demand
of dowry and torture to the opposite party no. 2.

Earlier this Court had noticed the submission of



learned counsel for O.P. No. 2 that considering the conduct of the petitioner now O.P. No. 2 is not willing to live with him and she is looking for one time settlement.

Today once again learned counsel for O.P. No. 2 has reiterated his stand.

Learned counsel for the petitioner has submitted that the opposite party no. 2 has already filed an application under Section 125 Cr.P.C. before the learned Family Court, Rohtas, Sasaram in which she is looking for a maintenance of Rs.7,000/- per month.

Learned counsel for the petitioner has submitted at this stage that in order to show his bonafide petitioner is ready and willing to pay Rs.2,000/- per month to opposite party no. 2 and this amount will be subject to final outcome of the maintenance case. He has taken instruction to this effect. At the bar, learned counsel for O.P. No. 2 agrees that because his client is now looking for one time settlement the petitioner may be directed to pay Rs.2,000/- per month at present as maintenance subject to any order which may be passed in the Maintenance Case and at the same time the matter be sent to the mediation centre attached to the learned court below where both the parties may sit together and resolve their issues with regard to one time



settlement.

In the given facts and circumstances and in the nature of submissions made before this Court, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Complaint Case No. 201 of 2017 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rohtas at Sasaram, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



And further condition that in terms of his own undertaking he will continue to pay Rs.2,000/- per month till final conclusion of the maintenance case and/or resolution of dispute and one time settlement as the case may be. Such payment shall be made to the complainant-O.P. No. 2 within first 7 days of every month either through money order or by transfer of the amount by way of bank draft. Failure to abide by such condition the learned court below shall take steps for cancellation of bail bond of the petitioner.

The learned court below is also directed to refer the matter to the mediation centre as to the court where both the parties will sit together and find out the resolution of disputes and settlement. Such mediation be conducted within a period of four months from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

