

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32233 of 2022**

Arising Out of PS. Case No.-215 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Dheeraj Kumar, S/o Sunil Mistry Resident of Village- Gangati, P.s.- Alipur
and District- Gaya.

... .. Petitioner

Versus

1. The State Of Bihar
2. Soni @ Soni Kumari W/o- Dheeraj Kumar @ D/o Manoj Mistry Resident of
Village- Kali Bazr, Thali, P.S. Govindpur and District- Nawada

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No2, Advocate
For the O.P. No.2	:	Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-04-2023 Heard Mr. Manish Kumar No.2, learned counsel
appearing on behalf of the petitioner, Mr. Shashi Bhushan
Singh, learned counsel appearing on behalf of the O.P. No.2 and
Mr. Pradeep Narain Kumar, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Buniyadganj P.S. Case No. 215 of 2021,
registered under Sections 498(A) of the Indian Penal Code and
Sections 3 / 4 of the Dowry Prohibition Act.

3. The prosecution case, in brief, is that just after
the marriage of O.P. No.2, the petitioner as well as his other
family members started demanding dowry and due to non-



fulfillment of demand of dowry, she was tortured and was forced to file written complaint before the Buniyadganj Police Station. The matter was heard by this Court on 06.09.2022. This Court vide order dated 23.11.2022 had referred the case before the Mediation and Conciliation Center, Patna High Court. It has been informed by the parties that the mediation between the parties has failed. The report of the mediator is kept on the record.

4. Learned counsel appearing on behalf of the petitioner informs that mediation failed due to intervention of the mother in law of the petitioner and also for the reason that the petitioner being a class-IV employee in railway, is not in a position to make payment of Rs. Ten Lakh, however, he has agreed to pay Rs. Seven Lakh.

5. Learned counsel appearing on behalf of O.P. No.2 also accepts the fact that mediation failed as a result of interference of mother in law of the petitioner, who is mother of O.P. No.2. The O.P. No.2 is still ready to live along with the petitioner in case the petitioner does not make any demand or assault her.

6. Considering the aforesaid submissions, the petitioner is directed to be released on pre-arrest bail, provisionally, on such terms and conditions as the court below



deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C. subject to the condition that either he should reconcile his matrimonial relationship with O.P. No.2 for which the learned court below is also directed to intervene and settle the strained matrimonial relationship of the parties or in case the parties are not agreeable to live together, the petitioner who is ready to deposit Rs. Seven lakhs must deposit the said amount by way of cash or by way of any instrument within a period of six weeks from today and remaining amount as the parties agreed and objection has been raised by the O.P. No.2.

7. The Court is required to take into account that the mediation failed because petitioner was ready to deposit Rs. 7 Lakh and not Rs. 10 lakh as demanded by the O.P. No.2.

8. Learned Court below is further directed to consider the plight of the O.P. No.2 convenience that the petitioner meet the demand of one time settlement in case the O.P. 2 is willing to separate. Such exercise is required to be taken within a further period of six months.

9. If the petitioner abide by the terms and condition of the Court below the provisional bail of the petitioner shall be made absolute.

10. If any of the conditions as enumerated in this



order is not undertaken by the petitioner, this order shall
automatically loose its force.

(Purnendu Singh, J)

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