

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36978 of 2014**

Arising out of Complaint.Case No. -400 Year- 2013 Thana -BUXAR COMPLAINT CASE District-  
BUXAR

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Dharmendra Sah, son of Sri Ram Chandra Sah, resident of Village-Chausa,  
P.S.-Buxar (M), District-Buxar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Reema Devi, wife of Dharmendra Sah, resident of Village- Chausa,  
P.S.-Buxar (M), District-Buxar at present daughter of Radheshyam Sah,  
Village-Nehru Nagar, P.S. & District-Buxar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jagdish Prasad  
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP  
For the Complainant : Mr. Parijat Saurav

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

5      26-08-2015

Heard the parties.

Vide order passed on 20.2.2015 provisional anticipatory bail was granted to the petitioner and since the complainant had appeared through counsel that the matter was referred to the Mediation Centre at Buxar for a possible resolution of the dispute. The matter was thereafter taken up on 29.7.2015 but since there was some confusion as regarding the Mediation –cum-Conciliation centre at Buxar that this Court vide order passed on 29.7.2015 directed the parties to appear before the Family Court where the matter relating to payment of maintenance is pending and the Family Court was advised to refer the matter to the Mediation –cum- Conciliation centre, if in

the opinion of the Family Court there was any possibility of settlement. The matter has thereafter been taken up today when Mr. Jagdish Prasad, learned counsel appearing for the petitioner submits that even when an offer was made by the petitioner to the opposite party no.2 to accompany him, she refused to accompany the petitioner to her matrimonial home.

Mr. Parijat Saurav, learned counsel appearing for the complainant in the circumstances that no restoration could take place prayed for interim maintenance for the complainant but considering that the issue of maintenance is pending before the Family Court at Buxar in Maintenance Case No.141(M) of 2013, this Court would allow the Family Court to decide the maintenance matter independent of the present issue and on its own merits and considering the nature of dispute, the Family Court would be well advised to decide the matter expeditiously.

However in the circumstances discussed, the provisional anticipatory bail granted to the petitioner vide order dated 20.2.2015 stands confirmed.

This application is allowed.

**(Jyoti Saran, J)**

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