

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28408 of 2014

Arising Out of PS.Case No. -1083 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Arvind Sharma Son of Megh Nath Sharma, Resident of Village - Kanti,
P.S. - Kanti, Distt. - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sharmila Devi Wife of Arvind Sharma, D/o - Ravindra Thakur @
Bhikhari Thakur, Resident of Village - Gopinathpur, P.S. - Sanaiya, Distt. -
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Anish Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

18 26-03-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State and learned

counsel for the opposite party no. 2.

Petitioner apprehends his arrest in connection with

Complaint Case no. 1083 of 2013 registered for the offences

punishable under Sections 498A of the Indian Penal Code.

Petitioner happens to be husband of the opposite party

no.2 and prior to filing of Complaint Case no. 180 of 2013

petitioner had filed Divorce Suit bearing Divorce Suit No.408 of

2012 in the court of Family Judge, Muzaffarpur.

The contention on behalf of the petitioner is that even

after filing of the divorce suit, petitioner was ready to keep the

opposite party no. 2 with him but opposite party no. 2 refused to lead her conjugal life with him. It is further contended by him that petitioner is still ready to keep the opposite party no. 2 with him.

On the other hand learned counsel appearing for the opposite party no. 2 submits that opposite party no. 2 does not want to lead her conjugal life with the petitioner and, therefore, petitioner may be directed by this Court to settle the dispute by way of one time settlement.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Magistrate, 1st class, Muzaffarpur in Complaint Case no. 1083 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C. So far as, the question of one time settlement as well as maintenance of child is concerned, the same may be decided by the Principal Judge, Family court, Muzaffarpur in Divorced Suit No. 408 of 2012.

(Hemant Kumar Srivastava, J)

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