

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26501 of 2015

Arising Out of PS.Case No. -85 Year- 2015 Thana -SABOUR District- BHAGALPUR

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1. Nawal Kumar Mandal @ Nawal Kishore Mandal Son of Late Ramawtar Mandal resident of Bhuwalpur, P.S. Nathnagar, District Bhagalpur, Presently residing at Lalkhan Colony, Sabour, P.S. Sabour, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sweta Suman Wife of Nawal Kumar Mandal resident of Lalkhan Colony, Sabour, P.S. Sabour, District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 07-12-2015

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of two children.

The matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority on the joint prayer of the parties vide order dated 03.07.2015. It appears from the report of the Mediator at Flag-Z that the issue has been resolved. However, it is submitted by learned counsel for the informant that petitioner has again deserted the

informant.

It is submitted by learned counsel for the petitioner that informant is residing in the house constructed by the petitioner on the land given by the informant's parents and due to the latches on the part of the informant, the petitioner is not residing with the informant.

In the alternative, petitioner is ready to make payment Rs. 8000/- to the informant from January, 2016, by depositing the same in the bank account of the informant by second week of every consecutive month. The informant undertakes to supply her bank account number by filing the same on affidavit before learned Court below within a period of three weeks.

Learned counsel for the petitioner further undertakes that petitioner shall not dispossess the informant from the house in question and petitioner will clear all the charges/loans on the land and building in question.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Sabour P.S. Case No. 85 of 2015.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

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

(Dinesh Kumar Singh, J)

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