

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2714 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

Ajay Prasad Gupta @ Guddu Son of Jagdish Prasad Gupta Resident of ward
no.25,New Area,Near Joda Mandir,P.S-Dehri,Distt.-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

2. Simran Kumari @ Sushila Kumari Wife of Ajay Prasad
Gupta,D/O;Brijnandan Prasad Gupta Resident of Vill.+P.S-Haspura,Distt.-
Aurangabad

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 24-11-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 323, 504 and 379 of the Indian Penal Code.

The basic accusation is of torture.

The marriage between the petitioner and the complainant in 2009 is admitted.

The matter was referred to the Mediation on the joint prayer of the parties, but it appears from the report of the Mediator dated 24.08.2015 at Flag 'P' that the issue could not resolved through the process of the mediation. Hence, it is submitted that issue could not be reconciled at present.

It is submitted by learned counsel for the petitioner that the petitioner Complaint Case No. 629 of 2011 on 25.05.2011 before learned CJM, Sasaram and Complaint Case No. 394 of 2013 on 28.10.2013 before learned SDJM, Dehri-on-sone by way of informatory petition about the torture at the hands of the complainant and thereafter the present complaint was filed on 29.01.2014. It is further submitted that petitioner also filed Matrimonial Suit No. 33 of 2014 on 07.02.2014 with a prayer for dissolution of marriage.

It is submitted by learned counsel for the complainant that the complainant is ready to resume the conjugal life and for no reason the petitioner is not ready to reconcile the issue.

However, it is submitted by learned counsel for the petitioner that the petitioner is ready to make payment of



Rs.3,000/- per month from January, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the offer of the petitioner is acceptable to the complainant, who undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Daudnagar, District - Aurangabad in connection with Complaint Case No. 34 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for



cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.



(Dinesh Kumar Singh, J.)

U		T	
---	--	---	--