

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4861 of 2016

Arising Out of PS.Case No. -124 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mukesh Kumar S/O Gyani Prasad, resident of Village- Lalganj,
Madarna P.S.- Vaishali, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sulekha Devi W/O Mukesh Kumar D/O Surendra Prasad, resident of
Mohalla- Nakhas- Pind, Patna City, P.O.- Patna City, P.S.- Malsalami,
District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore
For the Opposite Party/s : Mr. Md. Ansural Haque(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 21-11-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 494, 498A, 120B of the Indian Penal Code.

The accusations are of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of two children. It is also not in dispute that petitioner has performed second marriage.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the



Bihar State Legal Services Authority vide order dated 20.09.2016. The report of the Mediator at Flag-A dated 11.11.2016 reflects that both sides have resolved the issue as both the petitioner and the complainant decided to reside together as husband and wife. The petitioner undertook to maintain the complainant and both the children. It was also agreed that complainant/opposite party no. 2 will be at liberty to take legal recourse, if the petitioner violates the terms of the agreement.

It is submitted by learned counsel for the complainant that in spite of the fact that petitioner has performed second marriage, complainant has agreed for compromise and does not dispute the terms of agreement. Hence, at present, the complainant is not opposing the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 Additional Chief Judicial Magistrate, Patna in connection with Complaint Case No. 124 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let a copy of this order along with the report

of the Mediator and the terms of the agreement be transmitted
to the learned Court below.

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(Dinesh Kumar Singh, J)

