

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14903 of 2016

Arising Out of PS.Case No. -1946 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Mithlesh Prasad @ Mithilesh Kumar, son of Lakhan Prasad, resident of
Village-Thali, P.S.-Govindpur in the district of Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Bobby Devi, wife of Mithilesh Prasad @ Mithlesh Kumar, daughter
of Shyamdeo Prasad, resident of Village-Bahadurpur, Bhola Bigha,
P.S.-Rajauli in the District of Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-09-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable 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 complainant but subsequent to the marriage the petitioner came to know that complainant eloped with someone from her parents' house at earlier point of time when the petitioner and the complainant decided to part ways. The petitioner filed Matrimonial Suit No. 49 of 2015 on 26.02.2015 before the Principal Judge, Family Court, Nawada with a prayer for

divorce. In the said suit the Principal Judge, Family Court, Nawada took all efforts for appearance of the complainant but complainant chose not to appear. Hence, the marriage has been dissolved vide judgment dated 19th of July, 2016 by learned Principal Judge, Family Court, Nawada on payment of Rs. 1,00,000/- to the complainant.

It is submitted by learned counsel for the complainant that complainant is still ready to resume the conjugal life and she was not aware about filing of the matrimonial suit. It is further submitted that complainant has challenged the judgment passed by the learned Principal Judge, Family Court, Nawada in matrimonial suit.

It appears that the present anticipatory bail application was filed on 04.04.2016 and in paragraph No. 13 of the petition, it has specifically been mentioned that matrimonial suit has been filed. The notices were issued to the complainant on 05.04.2016 and the complainant entered appearance subsequently.

Considering the fact that marriage has been dissolved between the petitioner and the complainant in pursuance to the judgment passed by learned Principal Judge, Family Court, Nawada, 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, III, Nawada in connection with Complaint Case No. 1946 of 2014.

The bail bonds of the petitioner shall be accepted on payment of Rs. 1,00,000/- as directed by learned Principal Judge, Family Court, Nawada in Matrimonial Suit No. 49 of 2015.

Let learned court below deposit the aforesaid amount to some fixed deposit scheme which will be subject to the finality of the matrimonial dispute between the parties.

(Dinesh Kumar Singh, J)

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