

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24058 of 2015

Arising Out of PS.Case No. -803 Year- 2014 Thana -MOTIHARI District-
EASTCHAMPARAN(MOTIHARI)

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1. Mandeep Kumar Tiwari S/o Subhash Kumar Tiwari Resident of Mohalla
- Swami Vivekanand Colony, New Zero Mile, Ahiyapur, P.S. Ahiyapur,
District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Nirmal Kumar Sinha (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 11-05-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the opposite party No. 2 as well as
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Town P.S. Case No. 803/2014 case registered for the offences
punishable under Sections 498(A)/323/376/511/307/406/452/120
(B)/34 of the Indian Penal Code and Section 34 of the Dowry
Prohibition Act.

Vide order dated 09.07.2015, a co-ordinate Bench of this
Court had extended interim protection to the petitioner and also
issued notices to opposite party No. 2. Opposite party No. 2 has
appeared before this Court.

At all material times, the petitioner has submitted that he
is willing and ready to keep his wife with all honour and dignity.

This Court has taken up the offer of the petitioner and continued the interim protection extended in his favour earlier.

The matter was also referred to the Patna High Court Mediation Centre for resolution of the dispute between the parties, but unfortunately, the matter came back before this Court as it was reported by the learned Mediator that in spite of sincere efforts, the dispute between the parties could not be resolved through the process of mediation and, thus, the mediation has failed.

As a last bid resort, this Court again took up the issue of resolution of dispute and placed the matter in Chambers. Both the parties were directed to be present personally in Chambers so that some settlement could be arrived at in restoration of harmony between the parties specially, in view of the fact, that out of the said marriage, a male child had also been born to the parties and unfortunately and painfully, the child was having a congenital heart problem and needed special attention and care. On the last occasion i.e., 16.03.2016, this Court after much deliberations gave another extension of the ad interim protection to the petitioner, in the hope that he would extend himself to resolution of the dispute and things could be sorted out.

It was anticipated that the relationship which had soured would normalize and the parties would meet each other and it was expected that the petitioner will come and visit opposite party

No. 2 to her matrimonial home where she was currently residing.

Today, the parties are again before me. There has been no resolution of the dispute till date. In fact, the bitterness has surmounted as opposite party No. 2 has informed this Court that no sooner did she leave the Chambers, while she and the petitioner, her husband, were trying to sort things out, the father of the petitioner intervened and abused her and also hurled threats including threat of hurling and making acid attack. The petitioner taking cue from his father also joined in threatening the opposite party No. 2 and since that date, there has been no further efforts for reconciliation.

Opposite party No. 2 now feels threat to her life and her child. The petitioner, by his past actions and his present disposition and attitude appears recalcitrant.

It is necessary to recapitulate here that on the earlier date, this Court had made a categorical direction that the father of the boy would not make unwanted interference in the process of reconciliation. Thus, such interference by the father of the petitioner amounts to violation of the order passed by this Court and is also contemptuous.

As such, keeping in view, the past history and conduct of the petitioner and that opposite party No. 2 is wholly apprehensive of his conduct, this Court is not inclined to extend the interim

protection granted to him earlier. Accordingly, the interim protection granted vide order dated 09.07.2015 stands withdrawn.

The application for anticipatory bail stands rejected.

(Anjana Mishra, J)

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