

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20677 of 2016

Arising Out of Complaint Case No. -1947 Year- 2013 Thana -SAHARSA COMPLAINT CASE
District- SAHARSA

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Md. Allaudin son of Late Kismat Mian,

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shabnam Khatoon, W/o Md. Allauddin, D/o Md. Aalamin,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-11-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A and 494 of the Indian
Penal Code.

Basic accusation is of torture and performing second
marriage.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the complainant and
birth of two children, but since the complainant deserted the
petitioner, the petitioner performed second marriage and the
complainant has also performed second marriage.

This Court vide order dated 25.07.2016, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the mediator dated 17.09.2016, kept at flag 'M' reflects that the issue could not be resolved through the process of mediation since opposite party no.2 failed to appear as she has performed second marriage. The matter was adjourned on 26.09.2016 due to non-appearance of counsel for opposite party no.2. Today, also none appears on behalf of opposite party no.2.

Keeping in view of the nature of accusation and the fact that neither anyone is appearing on behalf of opposite party no.2 before this Court nor appearing before the mediation centre, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.1947C/2013, pending before the learned SDJM, Saharsa.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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