

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21455 of 2016

Arising Out of PS.Case No. -1479 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Sajnath Yadav S/o Vishundev Yadav R/o - Barka Rajpur, P.S. - Simri,
District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sudha Devi W/o - Sajnath Yadav, D/o Shatrughan Yadav R/o - Khandra
Pandeypur, P.S. - Simri, District - Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Pradeep Nr.Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

06/ 16-12-2016

Heard learned counsels for the petitioner, State
and the opposite party no.2-complainant.

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
Section 498A of the Indian Penal Code.

The basic accusation is of torture after fifteen
years of the marriage.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant but the petitioner filed Matrimonial Suit No. 07 of



2015 with a prayer for divorce and thereafter the present complaint was filed. The complainant also filed Maintenance Case No. 92 of 2015.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 26.09.2016. The report of the Mediator dated 29.11.2016 at Flag 'A' reflects that the issue could not be resolved through the process of mediation.

Today a joint affidavit has been filed with the signature of the petitioner and opposite party no. 2 which reflects that the petitioner and opposite party no. 2 have decided to part ways on payment of one time settlement amount of Rs.4,50,000/- and both decided to get the marriage dissolved by filing Matrimonial suit under Section 13B of the Hindu Marriage Act. Though the joint compromise petition does not stipulate the period of payment or the filing of the matrimonial suit but it is submitted by learned counsel for the petitioner that the petitioner will submit a bank draft of Rs.1,00,000/- at the time of execution of bail bond before learned SDJM, Buxar and further a draft of Rs.1,00,000/- will be submitted before the learned Principal Judge, Family Court, Buxar after one month



of the filing of the matrimonial suit and two months thereafter further submit a draft of Rs.1,00,000/- before the learned Principal Judge, Family Court, Buxar and lastly the rest of amount of Rs.1,50,000/- will be paid by submitting bank draft before Principal Judge, Family Court, Buxar after four months of filing of matrimonial suit. Both sides agree to file matrimonial suit within four weeks from today.

Counsel for the complainant does not controvert the contents of the joint affidavit and the submission of learned counsel for the petitioner.

In the circumstances, 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, Buxar in connection with Complaint Case No. 1479(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is further submitted that the complainant will file appropriate application before the learned SDJM, Buxar in the present complaint case and appropriate application to the



effect that the issue has been resolved between the parties will be filed within a period of four weeks. The parties also agreed to file similar appropriate application in the Maintenance Case No. 92 of 2015 and earlier Matrimonial Suit No. 07 of 2015.

Either party will be at liberty to file appropriate application before this Court on breach of undertaken conditions.

It is expected from the learned Principal Judge, Family Court, Buxar as well as SDJM, Buxar to conclude the respective proceeding expeditiously in accordance with law.

(Dinesh Kumar Singh, J.)

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