

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45235 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -BEUR District- PATNA

Ratnesh Kumar, Son of Late Mundrika Sah, Resident of Village- Mahabir Nagar, P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Shakir Ahmad(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 22-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The matter was referred to the Mediation Centre of the Bihar State Legal Services Authority on the joint prayer of the parties vide order dated 29.10.2015. The report of the Mediator at Flag ‘A’ reflects that the issue could not be

reconciled through the process of the mediation.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The children are residing with the petitioner. During the pendency of this application the informant entered into the house of the petitioner and created nuisance as a result police was called. Hence, in the circumstances the petitioner is not in a position to keep the informant.

It is submitted by learned counsel for the informant that the informant entered into the house of the petitioner to meet her children in pursuance to the direction of the Mediator and it was given wrong shape by calling the police.

It is further submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 788 of 2015 on 13.07.2015 with a prayer for divorce and thereafter the present FIR was lodged on 16.07.2015.

In the circumstances, it appears that the reconciliation is not feasible at present.



However, the petitioner is ready to make payment of Rs.1800/- per month from March, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties, 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 Judicial Magistrate, It Class, Patna connection with Beur P.S. Case No. 136 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

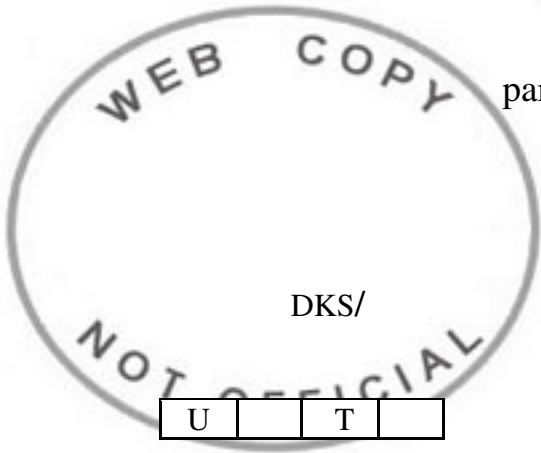
The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for



cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.



(Dinesh Kumar Singh, J.)

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