

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56653 of 2015

Arising Out of PS.Case No. -1019 Year- 2015 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

=====

1. Ashwani Kant Mishra Son of Late Manikant Mishra Resident of Village- Gajhara, P.S.-Ladaniyan, Dist.-Madhubani. At present residing Flat No. 303/304, Krimson Tower, Lokhandwala Complex, Kandwali (East), Mumbai-400101

.... Petitioner/s

Versus

1. State of Bihar
2. Priya Kumari Devi @ Priti Mishra Wife of Ashwani Kant Mishra, Resident of Village- Gajhara, P.S. Ladaniyan, Dist.-Padhubani, at present D/o Amindra Pathak, of Village - Benipatti, P.S.-Benipatti, Dist.-madhubani

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-04-2016 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 under Sections 379, 323, 341, 498A, 504 of the Indian Penal Code.

The basic accusation is of torture.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 16.12.2015. The report of the Mediator at Flag-X reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the



petitioner that petitioner admits his marriage with the complainant but the petitioner has filed Matrimonial Suit No. 1395 of 2015 before the Family Court, Mumbai on 08.05.2015 with a prayer for divorce and thereafter the present complaint was filed. It is further submitted that the matter was fixed before the Mediation Centre at Patna but the complainant has filed Domestic Violence Case No. 12 of 2016 at Mumbai against the petitioner and his family members which shows the malicious manner, the complainant is trying to harass the petitioner. In the circumstance, the petitioner is not ready to keep the complainant.

It is submitted by learned counsel for the complainant that in the matrimonial suit filed for divorce, the petitioner has taken a plea that complainant has deserted the petitioner but in fact it is the petitioner who is not ready to resume the conjugal life. The complainant is still ready to resume the conjugal life.

Considering the rival submissions of the parties, the reconciliation does not appear to be feasible.

In the alternative, petitioner is ready to make payment Rs. 10,000/- (ten thousand) to the complainant from June, 2016, by depositing the same in the bank account of the complainant by second week of every consecutive month. It is submitted by learned counsel for the complainant that the offer of the petitioner is acceptable to the complainant who

undertakes to supply her bank account number within a period of four weeks by submitting the same on affidavit before learned Court below.

Considering the filing of the matrimonial suit at earlier point of time and the present stand of the petitioner, 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 Judicial Magistrate, 1st Class, Madhubani in connection with Complaint Case No. 1019 of 2015/1026 of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate 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)

Shageer/-

U		T	
---	--	---	--