

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13575 of 2016

Arising Out of PS.Case No. -2425 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Shiv Shankar Rai @ Shankar Rai S/o late Banshi Rai resident of Village-
Mahmood Chak, Ps Naya Gaon, District Saran at Chapra. Presently residing
at House No. 2212/44A, Street No. 1, New Vijay Nagar, Tajpur Road, Ps
Jodeval Basti District Ludhiana (Punjab)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sweta Devi S/o Shankar Rai, D/o Asharfi Rai presently residing at
Village- Bishunpur Piprahi, PS Amnaour, District Saran at Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

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

ORAL ORDER

7 09-12-2016 Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and birth of a
male child. It is further submitted that it was the complainant who
deserted the petitioner in 2012 and the petitioner has filed
Matrimonial Suit No. 32 of 2016 on the ground of adultery though



subsequent to the filing of the complaint. The petitioner is not ready to keep the complainant in the above mentioned background. However, he is ready to make payment of either one time settlement amount or some monthly amount for the welfare of the complainant and the child.

Learned counsel for the complainant submits that the complainant is only ready to resume the conjugal life and is not ready to accept one time settlement amount or any monthly payment.

On joint prayer of the parties, vide order dated 4.8.2016, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 9.9.2016 at Flag –MR reflects that the issue could not be resolved through the process of mediation.

Considering the conflicting stand the petitioner and the complainant, it appears that conciliation is not feasible at this stage. In the circumstances, let the learned court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Complaint Case No. 2425 of 2014 pending in the court of learned SDJM, Saran at Chapra.

This application is disposed of with the aforesaid



observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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