

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12993 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana -MANSI District- KHAGARIA

Sujit Kumar Sahni Son of Haleshwar Sahni Resident of Village-Chukti,
Police Station-Mansi, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari Wife of Sujit Kumar Sahni Resident of Village-Chukti,
P.S.-Mansi, District-Khagaria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Informant : Mr. Jai Kishor Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 20-09-2016 Heard learned counsel 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.

Petitioner and the informant are present in the Court.

On the joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 04.08.2016. The report of the Mediator at Flag-M dated

16.09.2016 reflects that the issue could not be resolved through process of mediation.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of three children. The informant and children are residing in the house of the petitioner and petitioner is not going to disturb this possession. It is further submitted that petitioner is ready to keep the informant and children as wife with full dignity and honour. Statement to that effect has been made in para-12 of the petition which reads as follows:-

“That the petitioner is ready to keep the informant as his wife with all love and dignity and she is still living in her in-law’s house along with her children.”

It is submitted that subsequently the informant filed Mansi P.S. Case No. 106 of 2015 with accusation under Section 498A of the Indian Penal Code, Khagaria Mahila P.S. Case No. 50 of 2015 with accusation under Section 498A of the Indian Penal Code and thereafter Complaint Case No. 1207C of 2015 with accusation under Sections 307, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act against the petitioner.

Learned counsel for the informant submits that informant wants to reside in the house of the petitioner, but she is reluctant be compatible with the petitioner

since the petitioner neither earns anything nor takes care of the family.

Keeping in view of the present stand of the petitioner that he is ready to keep the informant and children with due dignity and honour, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 106 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both sides agree to appear before the learned court below on the next date fixed. The learned court below will make an endeavour to get the issue reconcile between the parties.

The provisional bail of the petitioner will be confirmed by the learned court below on substantial restoration of matrimonial harmony or if the matrimonial harmony could not be restored due to latches on the part of the informant or the informant fails to appear before the learned court below, the bail bonds of the petitioner shall be accepted on filing affidavit that he will not dispossess the informant from

the matrimonial house. The provisional bail will not be confirmed, if the informant complaints that she is being dispossessed from the matrimonial house.

(Dinesh Kumar Singh, J)

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