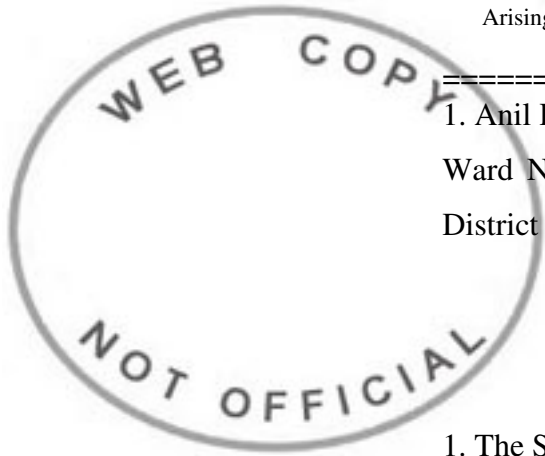


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42773 of 2015

Arising Out of PS.Case No. -304 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)



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1. Anil Prasad Chourasiya @ Rinku son of Amrit Lal Chourasiya resident of
Ward No. 1, Chowk Bazar, Lal Darwaja, Chanar, P.S. + P.O. - Chanar,
District Mirjapur (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vishnu Kumar son of Gopal Prasad Chourasiya
3. Chanda Devi wife of Anil Prasad Chourasiya and daughter of Gopal
Prasad Chourasiya Both residents of In Front of Gandhi Smarak, Dehri, P.S.
+ P.O. - Dehri-on-Sone, District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari(App)

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

ORAL ORDER

6 12-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the sister of
the complainant is apprehending his arrest in a complaint case
in which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the

petitioner that petitioner admits the marriage with the sister of the complainant and the petitioner was earlier ready to keep the victim, but due to tuff attitude of the family members of the sister of the complainant he is now ready to settle the dispute. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the petitioner was ready to keep the victim earlier but due to the intervention of the family members and their harsh attitude against the petitioner, the petitioner is ready to settle the dispute with the victim.”

The matter was referred to the Mediation Centre of Bihar State Legal Services Authority vide order dated 08.02.2016, but it appears that the issue could not be resolved. Though, the interim report dated 27.04.2016 suggests that the report has been made for extending the period of Mediation, but it is submitted on behalf of the petitioner that issue could not be resolved even on payment of one time settlement amount. It appears from the impugned order that the issue could not be resolved between the parties, though the offer was made by the learned Sessions Judge.

The petitioner and the sister of the complainant are present in the Court.

In the alternative, the petitioner is ready to make payment of Rs. 1800/- per month from June, 2016 to the sister of the complainant by depositing the same in her account by

second week of every month.

Learned counsel for the sister of the complainant submits that sister of the complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of three weeks. Moreover the sister of the complainant is not opposing the prayer for bail of the petitioner.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri-on-Sone, Rohtas in connection with Complaint Case No. 304 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the sister of the complainant within a period of three weeks when it is expected from the sister of the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

Three consecutive defaults in making payment will give liberty to the sister of the complainant 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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