

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45790 of 2015

Arising Out of PS.Case No. -609 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Dhananjay Kumar Tiwary @ Dhananjay Kumar Tiwari S/o Rabindra Nath Tiwary R/o Radhika Nagar, Kharanga Jhar, Near Radha Krishna Mandir, P.S. Telco, Jamshedpur, Dist- East Shingbhum (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Tiwary @ Lovely W/o Dhananjay Kumar Tiwary, R/o Radhika Nagar, Kharanga Jhar, Near Radha Krishna Mandir, P.S. Telco, Jamshedpur, Dist- East Shingbhum (Jharkhand). A/P- D/O Ramadhar Pandey, Mohalla- Bhagwanpur hatti, Rewa Road, Infront of Dhaama Kanta, P.S. Sadar, Dist Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Upendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 08-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 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 on

20.04.2007. The thrust of accusation of torture is against other family members, whose prosecution has been quashed by a co-ordinate Bench of this Court. The petitioner is depositing Rs.3,000/- per month in the account of the complainant in pursuance to the order dated 04.12.2014 passed in Cr. Misc. No. 46271 of 2014 by a co-ordinate Bench of this Court, wherein the prayer for quashing of the prosecution was prayed for. Though, the prayer on behalf of the petitioner for quashing the prosecution case has been rejected.

On the joint prayer of the parties, the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 08.12.2015 at Flag 'A' reflects that the issue could not be reconciled through the process of mediation. However, the petitioner is not ready to keep the complainant at present due to the past conduct of the complainant and the strained relationship between the parties since last three years.

Counsel for the complainant submits that the complainant is ready to resume the conjugal life and is not ready to accept any other offer particularly the offer of one time settlement. Though, the complainant admits the deposit of Rs.3,000/-per month by the petitioner in her name but she is not



withdrawing the said amount.

Considering the rival submissions of the parties it appears that the issue is not likely to be reconciled at present and the fact that the petitioner is making payment of Rs.3,000/- per month in pursuance to the order passed by a co-ordinate Bench of this Court, 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 Sub-divisional Judicial Magistrate (East), Muzaffarpur in connection with Complaint Case No. 609 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



DKS/

(Dinesh Kumar Singh, J.)

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