

Arising Out of PS.Case No. -201 Year- 2015 Thana -GARDANIBAGH District- PATNA

Arising Out of PS.Case No. -201 Year- 2015 Thana -GARDANIBAGH District- PATNA

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Azhar Kareem

For the Opposite Party/s : Mr. Smt. Meena Singh(App)

6 06-09-2016

Heard learned counsels for the petitioner,

informant and the State.

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 341 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of three daughters but since the mother and brother of the informant used to come and reside in a one room rented house and they used to abuse and assault the petitioner, hence it has become difficult for the petitioner to

reside with the informant. It is further submitted that in maintenance proceeding in the family court the family members of the informant assaulted the petitioner and this fact was reported to the presiding officer.

It is submitted by learned counsel for the informant that during pendency of the present application the petitioner went to the house of the informant and assaulted her on 06.12.2015, as a result she received serious injuries leading to registration of Bochaha P.S. Case No. 227 of 2015 registered under Sections 341, 323, 307, 379, 447, 448, 504, 506, 354, 34 of the Indian Penal Code wherein warrant of arrest has been issued against the petitioner. Though the informant is still ready to resume the conjugal life with the petitioner.

It is submitted by learned counsel for the petitioner that petitioner was on duty being a government servant at Rajgir Mahotsav on the alleged date of occurrence which suggests that with frivolous accusation the case has been registered.

On the joint prayer of the parties, vide order dated 28.07.2016, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority. The report of the mediator at Flag-A dated 24.08.2016 reflects that the issue could not be resolved through the process of mediation.

In the circumstances discussed above, the

reconciliation does not appear to be feasible at present.

Let learned Court below consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Gardanibagh P.S. Case No. 201 of 2015, pending in the Court of learned Chief Judicial Magistrate, Patna.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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