

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36250 of 2015

Arising Out of PS.Case No. -393 Year- 2014 Thana -ALAMGANJ District- PATNA

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1. Md. Taukueer Son of Late Md. Saleem resident of Kanta Toli, HB Road, Ramzaan Colony, 1st Gali, Bread Backery, Ranchi (Jharkhand), Pin Code 834001

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 08-08-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

None appears on behalf of the informant/O.P.

No. 2.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of three children. Though it was earlier submitted that petitioner divorced the informant as per muslim rituals but on the prayer of the parties the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 12.05.2016. The report of the Mediator at Flag-B dated 11.07.2016 reflects that the issue has been resolved and both sides have decided to resume the conjugal life. In pursuance to the terms of the agreement the petitioner is ready to deposit Rs. 2500/- per month in the

account of the informant for the welfare of the children but the informant has not resume the conjugal life till date, however the petitioner is ready to keep her with dignity and honour.

Considering the fact that the issue has been resolved and the terms of the agreement has been signed by the informant also, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 393 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The grant of bail to the petitioner will not preclude the informant to resume the conjugal life. If the informant files such an application before learned Court below then learned Court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking to take the informant and children to keep them with dignity and honour.

Let the order of this Court along with the report of the Mediator and the terms of the agreement be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

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