

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28969 of 2016

Arising Out of PS.Case No. -1516 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Kumar Pallav, son of Sri Shiv Kumar Jha, resident of Village- Dumni Kala,
Police Station- Majorganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Ambuja, wife of Kumar Pallav, D/O Sri Shakto Nath Jha,
resident of village- Bharha, Police Station- Majorganj, District-
Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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

04/ 17-10-2016

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.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant on 26.06.2011 and birth of a male child, who

subsequently died. It is further submitted that the petitioner has filed Matrimonial Suit No. 155 of 2015 with a prayer for divorce on 29.03.2015 and thereafter the present complaint was filed on 04.09.2015. Hence, at present he is not ready to keep the complainant.

Counsel for the complainant submits that the child died due to the non-providing of adequate medical assistance and she was driven out from the matrimonial house after snatching all the ornaments.

Though, on joint prayer of the parties the matter was referred to the Mediation Centre vide order dated 09.08.2016. The report of the Mediator at Flag 'A' dated 26.09.2016 reflects that the issue could not succeed due to non-appearance of opposite party no. 2.

However, the petitioner is ready to make payment of Rs.2,000/- per month from December, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of four weeks.





Considering the present stand of the parties and the filing of matrimonial suit at earlier point of time, 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 Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. CI-1516 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to 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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