

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.786 of 2016

Arising Out of PS.Case No. -280 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

=====

Saroj Kumar Singh son of Late Raj Kishore Singh, Resident of village-
Reriya, P.S. Kargahar, District- Rohtas. At present- Enforcement Sub-
Inspector, Transport Department, Govt. of Bihar, Posted at- Mohania Check
Post, Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjana Kumari wife of Saroj Kumar Singh, Daughter of Harihar Choudhary, At present- Resident of village- Sondihara, P.s.- Bhabua, District- Kaimur (Bhabua)

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 08-12-2016 Heard learned counsels for the petitioner, informant
and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 498A, 379, 504 and 506 of the Indian Penal Code and 31of the Protection of Women from Domestic Violence Act.

The accusation is of torture and making assault.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant having no



issue. The informant earlier filed Mahila P.S. Case No.44/2015 levelling accusation under sections 341, 323, 313, 498A/34 of the Indian Penal Code wherein the petitioner was granted anticipatory bail vide A.B.P. No. 871/2015 on 29.08.2015 by the learned Sessions Judge, Kaimur (Bhabua) on the undertaking that he is ready to keep the informant as wife with full dignity and honour. In pursuance to the said order the petitioner went to his in-laws house to bring back the informant to her matrimonial house where he was being assaulted. Subsequently, Misc. Case No.35/2015 was filed on behalf the informant for cancellation of anticipatory bail of the petitioner on 14.09.2015 there also on 30.10.2015 the petitioner filed undertaking that he is ready to keep the wife and thereafter the petitioner again took the informant to her matrimonial house. But, ultimately, vide order dated 09.11.2015, the learned Sessions Judge cancelled the bail bond of the petitioner against which the petitioner preferred quashing application being Criminal Miscellaneous No.893/2016 but subsequently the present case was lodged. On 28.05.2015 the petitioner filed Informatory Petition No.388/2015 for being assaulted at the behest of informant's side. On 13.08.2015 sister-in-law (bhabhi) of the petitioner also filed Complaint Case No.1184/2015



levelling accusation under sections 341, 323, 379, 354, 327, 452, 504, 506/34 of the Indian Penal Code against the father of the informant and others. Ultimately, on 09.11.2015 the petitioner filed Matrimonial Suit No.202/2015 with a prayer for divorce. The petitioner is still ready to settle the dispute with the informant. A statement to that effect has been made in para 19 of the petition which reads as follows:-

"That the petitioner is ready to settle all the matrimonial dispute with the informant/O.P.2. That the petitioner is even ready to pay the reasonable maintenance amount to his wife. That he is also ready to make one time settlement with his wife by paying the alimony."?

It is further submitted by learned counsel for the petitioner that at present it is not feasible for the petitioner to keep the informant due to her uncouth behaviour.

It is submitted by learned counsel for opposite party no.2 that the informant is still ready to resume the conjugal life.

This Court vide order dated 20.07.2016, on joint prayer of the parties, referred the matter to the Mediation Centre of Bihar State Legal Services Authority. The report of the Mediator dated 09.09.2016 kept at 'Flag-M' reflects that the issue could not be resolved through the process of mediation.



Considering the rival submission of the parties, it appears that both sides are adamant to their respective stand hence the issue between them is not likely to be reconciled, at present.

Under the circumstances, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Kudra P.S. Case No.280/2015, pending before the learned CJM, Kaimur (Bhabua).

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

