

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55156 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -MAHILA PS District- KHAGARIA

=====

1. Rajesh Kumar @ Rajesh Yadav son of Sohan Yadav resident of village-
Thatha, P.S.- Mansi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi Wife of Rajesh Kumar @ Rajesh Yadav resident of village-
Thatha, P.S.- Mansi, District Khagaria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Md.Arif (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-08-2016 Heard learned counsel for the petitioner and the

State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494 of the Indian Penal Code.

The basic accusation is of torture.

On the joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 18.04.2016. The report of the Mediator at Flag-A dated 04.07.2016 reflects that the issue could not be resolved through process of mediation.

A supplementary affidavit has been filed to the

effect that the petitioner is making payment of maintenance amount of Rs. 5500/- per month to the informant in pursuant to the order passed by the Principal Judge, Family Court, Khagaria in Maintenance Case No. 37M of 2015.

It is submitted by the learned counsel for the informant that informant was assaulted by the petitioner and his family members and since the petitioner is constable in Bihar Police, the F.I.R. was not registered by the police earlier against the petitioner. Moreover, the maintenance amount is not being paid regularly.

Considering the issue involved and there is no likelihood the issue being reconciled, at present, this Court considering the relevancy of saving the informant from vagrancy and destitution, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mahila) P.S. Case No. 37 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner

will be accepted on filing proof with regard to up to date payment of maintenance amount as directed by the learned court below. The learned court below will direct the local police station to provide adequate security to the informant. If the local police station submit a report that the informant is being tortured either by the petitioner or his family members or if the petitioner defaults consecutively twice in making payment, then the provisional anticipatory bail of the petitioner will not be confirmed, but if the last one year report of the local Police Station suggests that the torture has not been inflicted and up to date payment of maintenance amount has been made, then the provisional bail of the petitioner will be confirmed by the learned court below.

(Dinesh Kumar Singh, J)

P.K./-

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