

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51041 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -MAHILA P.S. District- SITAMARHI

Rajesh Kumar S/o- Anand Baitha,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-07-2016

Petitioner and the informant are present.

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A, 341, 323, 504, 494 and 506/34 of the Indian Penal Code.

Basic accusation is of torture and performing second marriage.

Though, the matter was referred to the Mediation Centre of State Legal Services Authority, but the report of the mediator dated 13.07.2016, kept at 'Flag-B', reflects that the petitioner and the informant could not agree to resolve the issue. Hence, the mediation failed.

It is submitted by learned counsel for the petitioner that

the petitioner admits his marriage with the informant and birth of a female child and the child is residing with the petitioner. The petitioner is still ready to keep the informant as wife with full dignity and honour.

It is submitted by learned counsel for the informant that since the petitioner has performed second marriage, she is not ready to resume the conjugal life.

It is further submitted on behalf of the petitioner as an alternative the petitioner, who is a Panchayat teacher, is ready to make payment of Rs.3500/- per month to the informant, who is also a Panchayat teacher from September, 2016 by depositing the same in the bank account of the informant by second week of every month.

The counsel for the informant submits that the informant 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 two weeks. It is further submitted that the informant wants custody of the child also.

In view of this Court for the custody of the child the informant should prefer appropriate application under provisions of Guardians and Wards Act, 1890.

However, counsel for the petitioner further submits that

the petitioner is ready to allow the informant to meet with the child, twice in a month, till the issue of custody of child is decided in appropriate proceeding,

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned Additional Chief Judicial Magistrate, Sitamarhi, in connection with Mahila P.S. Case No.23/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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