

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50085 of 2013

Arising Out of PS.Case No. -130 Year- 2012 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Ranjeet Singh S/O Sri Umesh Singh Resident Of Village- Mahuaine, P.S-
Guraru, District- Gaya

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-09-2016 The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It appears that on the submission of learned counsel for the petitioner that the petitioner is ready to settle the dispute with opposite party no.2, notices were issued to opposite party no.2 vide order dated 06.02.2014 when the petitioner was granted provisional anticipatory bail with a direction to deposit ₹750 per month in the court below firstly within 15 days from the date of receipt of this order and subsequently by 15th of every month which the opposite party no.2 will be at liberty to withdraw

without prejudice the right of the parties. In case of default in making payment the provisional anticipatory bail granted to the petitioner was directed to be automatically cancelled. The operative portion of the order dated 06.02.2014 reads as follows:-

“The petitioner volunteers to deposit ₹750/- (Seven Hundred Fifty Rupees) per month in the Court below firstly within 15 days from the date of receipt of this order and subsequently by 15th every month which the wife of the petitioner will be at liberty to withdraw without prejudice the right of the parties. The court below shall inform the wife of the petitioner about the present order. However, if the complainant/informant has a Bank Account or subsequently opens a Bank Account, the money shall be deposited in the Account and a receipt to this effect shall be filed by 15th every month in the Court below and in case he fails to do so his provisional anticipatory bail would be automatically cancelled.”

Subsequently, vide order dated 03.09.2014, the matter was referred to the Mediation Centre. The report of the mediator dated 06.01.2015 at flag-‘A’ reflects that issue could not be resolved through the process of mediation. In the meantime, the application was dismissed for non-compliance of the preemptory order dated 03.09.2014. Subsequently, the application was restored vide order dated 28.01.2015 passed in Cr. Misc. No. 983 of 2015.

It appears that both the parties appeared before the Mediation Centre but today none is appearing on behalf of

opposite party no.2.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant. It is further submitted that the differences has reached at such level that now the petitioner is not in a position to keep the complainant, however, the petitioner is ready to make payment of ₹1,500/- per month to the complainant.

Considering the fact that the petitioner enjoyed the provisional bail since 06.02.2014, the period of provisional anticipatory bail granted to the petitioner vide order dated 06.02.2014 is extended for four months provided it has automatically not been cancelled by operation of order dated 06.02.2014 as quoted above and in that eventuality the petitioner will surrender and pray for bail but if the petitioner's provisional bail is still surviving then the learned court below will issue notice to the complainant and will make effort to get the issue resolved. On resolution of issue, the provisional bail of the petitioner will be confirmed by learned court below otherwise the petitioner will surrender and pray for bail.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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