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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8321 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-BHABHUA (KAIMUR)

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1. Krishnanand Ram son of Ravindra Ram Resident of Village - Sarhula, P.S. - Nagasar, Dilwar Nagar, District - Gajipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sangeeta Devi wife of Krishnand Ram Resident of Village - Sarhula, P.S. - Nagasar, Dilwar Nagar, District - Gajipur at present resident of Village - Deuriya, P.S. - Neaon, District - Kaimur.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun Kumar Lal, Advocate
For the Opposite Party/s : Mr. A.K. Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379, 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that on the joint prayer of the parties the matter was referred to the Mediation Centre of Bihar State Legal Services Authority vide order dated 19.02.2016. The report of the

Mediator at Flag-A reflects that the issue could not be resolved through the process of mediation.

It is further submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and he is still ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

> "That petitioner is ready to keep the complainant as his wife with respect and dignity and he undertaken for her safety in this regard but the complainant refused to go and live with petitioner."

Learned counsel for the complainant submits that complainant is not ready to accept the offer of the petitioner since she is apprehensive due to past conduct of the petitioner. Hence, the issue does not appear to be reconciled. In the alternative, the petitioner is ready to make payment of Rs. 1500- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer and submit her bank account number within a period of three weeks.

Considering the present stand of the parties, 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

bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 153 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the order to the complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

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

If the petitioner will brings substantive proof on record in view of the learned court below that the complainant has performed second marriage, monthly payment will stand rescinded.

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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