

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56661 of 2015

Arising Out of PS.Case No. -322 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Jamshed Darji @ Md. Jamshed son of Afjal Darji resident of Village
Jafarpur, P.S. - Belsand, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chunia Khatoon wife of Jamshed Darji @ Md. Jamshad, D/o Yashin
Darji resident of Village - Murliyachak, P.S. and District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 08-08-2016 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant, but the petitioner has filed Complaint Case No. C-1/915 of 2013. The petitioner has also filed Matrimonial Suit No. 87 of 2013 with prayer for divorce earlier to the filing of the present

Complaint.

On the joint prayer for the parties, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 25.04.2016. The report of the Mediator at Flag-A, dated 21.06.2016 reflects that issue has been resolved between the parties and both sides decided to resume the conjugal life.

It is submitted by the learned counsel for the petitioner that complainant is residing with the petitioner.

However, counsel for the complainant submits that the complainant is apprehensive due to past conduct of the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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, Sitamarhi in connection with Complaint Case No. C1-322 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on filing affidavit with regard to substantial restoration of matrimonial harmony or if

the reconciliation fails due to latches on the part of the complainant.

Let, a copy of the order along with report of the Mediator and the terms of agreement be transmitted to the learned court below.

(Dinesh Kumar Singh, J)

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