

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24294 of 2016**

Arising Out of PS.Case No. -275 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-  
SASARAM (ROHTAS)

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Om Prakash Singh alias Bhuar Singh, son of Ram Keshwar Singh, Resident  
of Village- Jamodhi, P.S.-Bikramganj, District-Rohtas.

.... .... Petitioner/s

Versus

The State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

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

8      17-04-2017

Heard Mr. Nagendra Prasad, learned counsel

for the petitioner, Mr. Surendra Kumar Mishra, learned counsel  
for the complainant and Mr. J.N. Thakur, learned counsel for  
the State.

The petitioner being the husband of the  
complainant is apprehending his arrest in a complaint case  
wherein cognizance has been taken for the offences punishable  
under Sections 494, 494 of the Indian Penal Code.

The basic accusation is of torture and  
performing second marriage.

Initially it was submitted on behalf of the  
petitioner that petitioner admits his marriage with the  
complainant and is ready to keep her as wife with dignity and  
honour. A statement to that effect has been made in para 8 of  
the petition which reads as follows:-



“That the petitioner always respected his wife and he kept her with honour and dignity and he can not think of subjecting his wife to cruelty and he is ready to keep his wife with honour and dignity and he is also ready to settle the matter amicably.”

It is submitted by learned counsel for the petitioner that earlier Complaint Case No. 483 of 2012 was filed with accusation under Section 498A of the Indian Penal Code which ended into compromise.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 25.10.2016. The report of the Mediator at Flag-O dated 29.03.2017 reflects that both sides have decided to part ways on payment of permanent alimony of Rs. 1,40,000/-. The petitioner also agreed to return all the articles given at the time of marriage to the complainant.

It is submitted by learned counsel for the petitioner that in pursuance to the agreement before the Mediation Centre the petitioner has already paid one time settlement amount and returned the articles to the complainant.

It is submitted by learned counsel for the complainant that though he admits payment of agreed one time settlement amount of Rs. 1,40,000/- to the complainant, hence, he is not opposing the prayer for bail of the petitioner, but the complainant under misconception has signed on the



agreement to the effect that she received the articles but on opening of the box she found several articles missing. The complainant, however admits to have signed on the agreement.

Considering the fact that the complainant admits substantial compliance of the terms of the agreement and is not opposing the prayer for bail of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Complaint Case No. 275 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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