

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54733 of 2015

Arising Out of PS.Case No. -494 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Indrajeet Mandal Son of late Kishore Mandal Resident of Narpatinagar, P.s
Sakri, district Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sudha Devi W/o Indrajeet Mandal, D/o Rajendra Prasad mandal Resident
of Barhata, Po Barhata, P.s Bahadurpur, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 12-05-2017 Heard learned counsels for the petitioner and the State.

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 being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a visibly impaired child. Initially, the petitioner filed Matrimonial Suit No. 01 of 2013 for restitution of conjugal life wherein the reconciliation failed and hence it was dismissed. Thereafter, the petitioner filed Matrimonial Suit No. 49 of 2015



with a prayer for divorce, though, subsequent to the filing of the present complaint.

On a joint prayer of the parties, the matter was referred to the Mediation & Reconciliation Centre of Bihar State Legal Services Authority, vide order dated 11.04.2016. The report of the mediator dated 01.08.2016, at flag-‘M’, reflects that the issue could not be resolved through the process of mediation since the complainant failed to appear.

The matter was being adjourned since 02.12.2015 allowing the parties to resolve the issue but the issue could not be resolved either in terms of payment of one time settlement amount or in terms of resumption of conjugal life. The bone of the contention between the parties relates to the custody of visibly impaired child.

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life since she has very hard time in bringing up the visibly impaired child.

It is further submitted on behalf of the petitioner that the petitioner is ready to pay ₹3,500/- per month to the complainant from June, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the



complainant is reluctantly ready to accept the offer of the petitioner who undertakes to submit her bank account number to the petitioner by filing the same on affidavit before the learned court below within a period of three weeks and in the circumstances, at present, she is not opposing the prayer of bail of the petitioner.

Considering the present stand of the parties, in order to save the complainant and minor child from destitution and vagrancy with a lurking hope that the issue may reconcile in future, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Darbhanga in connection with Complaint Case No. 494 of 2013, 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 complainant to file an application for cancellation of bail of the petitioner.

The present order in no way will preclude the parties to



settle the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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