

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34154 of 2016

Arising Out of PS.Case No. -1786 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Dhanraj Mandal Son of Ramanand Mandal resident of village - Harpur
Ward No. 4, P.S. Bounsi, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Meera Devi W/o Dhanraj Mandal resident of village - Harpur, Ward No.
4, P.S. Bounsi, District - Araria, D/o Sri Bhola Bishwas, resident of village -
Ram Nagar Ward No. 8, P.S. K. Nagar, O.P. Champa Nagar, District -
Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 21-04-2017 Heard learned counsels for the petitioner and Mr. J.N.
Thakur, learned counsel for 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 two children and the petitioner is still ready to keep the
complainant as wife with full dignity and honour. Statement to



that effect has been made in paragraph no. 16 of the petition, which reads as follows:-

“That the petitioner is a labourer and had never tortured the complainant and is still ready to keep the complainant with full dignity and honour.”

It is further submitted that the children are residing with the petitioner as the complainant deserted the petitioner and has performed second marriage. Though, accusation of performing second marriage has also been levelled by the complainant, but cognizance has not been taken under Section 498A of the IPC.

Notices were issued to opposite party no.2 vide order 29.08.2016, thereafter, on joint prayer of the parties, the matter was referred to the Mediation & Reconciliation Centre of Bihar State Legal Services Authority vide order dated 06.02.2017. The interim report of the mediator dated 17.03.2017, at flag-‘X’ reflects that prayer was made for extending the period of mediation since there was a chance of issue being reconciled, but learned counsel for the petitioner submits that after one appearance, the complainant never appeared before the Mediator. The matter was adjourned on 08.04.2017 when none appeared on behalf of opposite party no.2. Today also none is appearing on behalf of opposite party no.2.



Considering the present stand of the petitioner to keep the complainant as wife with full dignity and honour, 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 J.M., 1st Class, Araria in connection with Complaint Case No. 1786C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The grant of bail to the petitioner will not preclude the complainant to resume the conjugal life and if she files any application expressing her willingness to resume the conjugal life before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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