

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30807 of 2016

Arising Out of PS.Case No. -381 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Kamlesh Sharma @ Kamlesh Kumar Sharma Son of Prabhunath Sharma
Resident of village- Pipra, Police Statio- Andar, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Bindu Devi Daughter of Gyanchand Sharma Residing of village-
Mujawna, Police Station- Parsa, District- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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

05/ 21-02-2017

Heard learned counsels for the petitioner, State
and the complainant-opposite party no.2.

The petitioner being the husband of the
complainant is apprehending his 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.

On submission of learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant having no issue but the petitioner filed Matrimonial



Suit No. 257 of 2013 on 17.12.2013 with a prayer for divorce, the present complaint was filed on 06.02.2014, the notices were issued to the complainant-opposite party no. 2 vide order dated 25.07.2016.

Subsequently, on the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 10.11.2016. The report of the Mediator dated 09.02.2017 at Flag 'A' reflects that the issue could not resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that in pursuance to the order dated 10.11.2016 of this Court he was ready to make payment of Rs.400/- for appearance of the complainant before the mediation but the complainant never appeared before the mediation.

Counsel for the complainant submits that, at present, the complainant is not giving any instruction as she has not contacted with him, the matter is being adjourned since 25.07.2016.

Considering the nature of accusation and on the joint prayer of the parties the matter was referred to the Mediation Centre after appearance of the complainant before this Court but she neither appeared before the Mediator nor before this Court nor



giving any instruction to her lawyer, 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, Saran at Chapra in connection with Complaint Case No. 381 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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