

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37173 of 2016

Arising Out of PS.Case No. -2711 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Rajeev Kumar, Son of Ashok Kumar Sah, resident of Village Jamin Mathia,
P.S. Manpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi, Wife of Rajeev Kumar, daughter of Hari Shankar Prasad Sah, resident of Jamin Mathia, P.S. Minapur, District Muzaffarpur at present residing at Village + P.O. Bakhari, Nazir (Magrahi Bazar), P.S. Mehshi, District Esat Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

07/ 30-03-2017

Heard learned counsel for the petitioner,

complainant-opposite party no.2 and the State. .

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein 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 the petitioner admits his marriage with the



complainant having no issue. The complainant herself deserted the petitioner as she flee away from the matrimonial house after taking her belongings leading to filing of informatory petition on 08.07.2014 and thereafter the present complaint was filed on 17.12.2015. The petitioner has filed Matrimonial Suit No. 197 of 2016 with a prayer for divorce though after filing of the complaint petition.

It appears from the record that on the joint prayer of the parties this Court vide order dated 29.08.2016 referred the matter to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 03.10.2016 at Flag 'MR' reflects that the issue could not be resolved through the process of mediation.

It is further submitted that, at present, the petitioner is not inclined to keep the complainant. However, it is submitted that the petitioner is ready to make payment of Rs.2,500/- per month from May, 2017 to the complainant by depositing the same in her account by second week of every

Counsel for the complainant submits that the complainant is still ready to resume the conjugal life, though she, reluctantly, accepts the offer of the petitioner of monthly payment and undertakes to submit the bank account number on



affidavit before the learned court below within a period of three weeks. In the circumstances, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner, at present.

Considering the present stand of the parties in order to save the complainant 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, East Champaran, Motihari in connection with Complaint Case No. C-2711 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.



The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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