

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29601 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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1. Amit Kumar son of Jainarayan Singh resident of Village- Kala Narayanpur, P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. Nutan Kumar, D/o Sukhdeo Mistry, Resident of Anandbagh Colony, P.S.- Ishakchak, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-01-2017 None appears for the petitioner. However, learned counsel for the informant is present. None had appeared on behalf of petitioner on 19.1.2017 also.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 498A and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

It appears from the order dated 21.7.2016 that it was submitted by learned counsel for the petitioner that the petitioner admitted his marriage with the informant and was ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition which reads as follows:



‘That the petitioner welcomes the informant/opposite party No.2 to the matrimonial home and to keep her with full dignity and honour and to fulfill her desires in order to lead a good conjugal life.’

It was further submitted that similar was the stand of the petitioner before the learned court below but the offer of the petitioner was not accepted by the informant which gets reflected from the impugned order passed by the learned Sessions Judge which reads as follows:

‘Today at the time of hearing the informant (O.P. No.2) and petitioner husband were present in the court. On question being asked, it has been found that the informant (O.P. No.2) is in a tormented state and recalls the days of extreme torture at the hands of the petitioner, she flatly refused to go with the petitioner. Thereafter, both parties requested the court to dispose of this application on its merit.’

On joint prayer of the parties, this court vide order dated 21.7.2016, referred the matter to the Mediation and Reconciliation Centre of Bihar State Legal Services Authority. The report of the Mediator at Flag H dated 2.12.2016 reflects that both sides decided to part ways by getting marriage dissolved by filing Suit under section 13(B) of Hindu Marriage Act before the Family



Court, Bhagalpur. In the meanwhile, the petitioner was to transfer his entire share of land situated at Mauza Manikpur, P.S. Babarganj, District – Bhagalpur in faovur of the informant and to make payment of rupees fifty one thousand as permanent alimony.

It is submitted by learned counsel for the informant that the informant is ready to abide by the terms of agreement reached before the Mediator but the petitioner is evading to appear. Moreover, neither he has complied the terms of agreement arrived before the Mediator nor he appears to be inclined to comply the same. Hence, the petitioner is misusing the privilege of interim protection granted by this court.

Considering the fact that none is appearing on behalf of the petitioner since last two occasions, this court feels that the petitioner does not deserve to be enlarged on anticipatory bail.

In the circumstances, prayer of the petitioner for grant of anticipatory bail in connection with Bhagalpur Mahila P.S. Case No. 53 of 2015 pending in the court of learned SDJM, Bhagalpur is rejected.

This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

Anil/-

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