

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49870 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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1. Satish Kumar Son of Sri Sheo Kumar Prasad Resident of Village -
Balbapar, P.S.- Narari, P.S.- Tharthari, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Opposite Party/s : Mr. Smt. Sucheta Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

12 09-02-2017

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341/323/504/506/307/498A/34 of the Indian Penal Code.

Basic accusation is of torture and making assault to the informant.

This Court vide order dated 07.04.2016, on joint prayer of the parties, referred the matter to the Mediation Centre of Bihar State Legal Services Authority. The report of the Mediator dated



22.06.2016, kept at 'Flag-B' reflects that the issue could not reconcile through the process of mediation.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a child. The petitioner has filed Matrimonial Suit No.553 of 2015 on 15.05.2015 with a prayer for divorce and thereafter the present FIR was registered on 01.08.2015 as a retaliatory measure. Hence, under the circumstances, the petitioner is not ready to keep the informant.

It is submitted by learned counsel for the informant that the informant was not aware about filing of the matrimonial suit as she was residing in her matrimonial house but concealing everything from her the matrimonial suit was preferred. The informant is still ready to resume the conjugal life and due to desertion by the petitioner the informant is the verge of destitution.

The matter is adjourned several times to allow the parties to resolve the issue, hence, it does not appear any likelihood of the issue being reconciled.

However, learned counsel for the petitioner submits that in alternative the petitioner is ready to make payment of Rs. 10000/- per month to the informant from March, 2017 by



depositing the same in the bank account of the informant by second week of every succeeding month.

The counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties and in order to save the informant and the minor child with vagrancy and destitution 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, in connection with Tharthari P.S. Case No.77/2015, 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 informant to file an application



for cancellation of bail of the petitioner.

The present order will not preclude the parties to
reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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