

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45893 of 2016

Arising Out of PS.Case No. -6392 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Munna Yadav, Son of Late Madan Yadav, Resident of Village- Bhalua,
P.S.- Govindpur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi, W/o Munna Yadav, D/o Kuldeep Yadav, Resident of
Village- Bhalua, P.S.- Govindpur, District- Nawada At present residing
at Village- Rupau, P.S.- Rupau (Kawakole), District Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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

ORAL ORDER

04/ 14-02-2017

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 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.

On the joint prayer of the parties vide order dated 20.10.2016 the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority.



The report of the Mediator dated 21.12.2016 at Flag 'A' reflects that the mediation failed since one of the party failed to appear and participate.

It is submitted by learned counsel for the petitioner that the complainant failed to appear before the Mediator. This contention of the petitioner is not being controverted by learned counsel for the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue and supplementary affidavit has been filed to the effect that the complainant has performed second marriage with Subodh Yadav S/o Shital Yadav and a certificate to that effect has been issued by the Panchayat Mukhiya which has been brought on record as Annexure-1 to the supplementary affidavit.

It is submitted by learned counsel for the complainant that he has no instruction, at present, from the complainant. The matter was adjourned earlier also for seeking instructions. It is further submitted by learned counsel for the complainant that in the complaint petition there is allegation that the petitioner has performed second marriage, though, admits that ultimately cognizance has been taken only under



Section 498A of the IPC.

Considering the fact that the complainant chose not to appear before the Mediator and is not giving instruction to her counsel before this Court, 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-III, Nawada in connection with Complaint Case No. 6392 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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