

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44159 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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Kumar Abhimanyu Son of Late Ayodhya singh Resident of village- Idgah,
Police Station- Dehri, District- Rohtas, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi W/o Kumar Abhimanu Resident of village- Idgah, Police
Station- Dehri, District- Rohtas, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 20-03-2017 Heard learned counsels for the petitioner,
informant-opposite party no. 2 and the State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 498, 497, 366, 323
and 341/34 of the Indian Penal Code.

The basic accusation is of torture and having
illicit relationship with the wife of the younger brother of the
informant with whom the petitioner eloped earlier.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The informant filed Complaint Case No. 1303 of 2011 under Sections 323 and 498A of the Indian Penal Code which was disposed of on the basis of compromise. The informant has filed Dehri Mahila P.S. Case No. 81 of 2016 during the pendency of the present Cr. Misc. application and Maintenance Case No. 54 of 2012. Though Complaint Case No. 378 of 2016 has also been filed by the brother of the informant levelling accusation of assault. The informant has filed Title Suit No. 196 of 2016 impleading the petitioner as defendant. Hence, in the circumstances, the petitioner is not ready to keep the informant but ready to make payment of one time settlement amount.

Counsel for the informant submits that the petitioner has filed Criminal writ for quashing of the FIR but the same has been dismissed for default. Complaint Case No. 691 of 2014 was filed by the brother's wife of the informant levelling accusation under Section 498A of the Indian Penal Code. The petitioner has filed Matrimonial Suit No. 177 of 2014 with a prayer for divorce, though Matrimonial Suit No. 82 of 2012 has been filed for restitution of conjugal life.. However,



it is submitted by learned counsel for the informant that the informant is still ready to resume the conjugal life but not ready to take one time settlement amount.

Having heard the learned counsels for the parties, it appears that though on the joint prayer of the parties vide order dated 06.02.2017 the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority, but the report of the Mediator dated 01.03.2017 at Flag 'X' reflects that in spite of best and sincere efforts, the issue could not be reconciled through the process of mediation. The matter is being adjourned by this Court since 06.10.2016 to allow the petitioner and the informant to make effort to reconcile the issue.

In view of the specific stand of the petitioner that the petitioner is not ready to keep the informant when the marriage between the parties and birth of two children are not in dispute, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Dehri (Mahila) P.S. Case No. 07 of 2016 pending in the court of learned SDJM, Dehri-on-Sone, Rohtas.

However, let the learned court below consider



the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today.

(Dinesh Kumar Singh, J.)

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