

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15242 of 2016

Arising Out of PS.Case No. -570 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

=====

Mohd. Salamat @ Md. Salamat S/o - Mohd. Lal Mohammad R/o Vill. -
Mohanpur, P.S. - Patory (Mohanpur O.P.), District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabina Khatoon W/o - Mohd. Salamat, D/o - Mohd. Kamaluddin R/o
village - Mohanpur, Brahmasthan, P.S. Patory (Mohanpur O.P.), District
- Samastipur. At present village - Sarai, Dhanesh, P.S. - Sahdaie (O.P.),
District - Vaishali.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Hriday Prasad Singh(App)

=====

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

ORAL ORDER

06/ 17-01-2017 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.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and birth of two children. The petitioner is ready to



keep the complainant as wife with full dignity and honour, a statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is ready to keep her wife (complainant/O.P. No. 2) with full dignity and honour.”

On the joint prayer of the parties, the matter was preferred to the Mediation & Conciliation Centre of the State Legal Services Authority. The report of the Mediator at Flag ‘C’ dated 10.01.2017 reflects that the issue could not be resolved through the process of the mediation.

It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner as she is apprehensive due to the past conduct of the petitioner.

In the circumstances, the petitioner is ready to make payment of Rs.2,000/- per month from February, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit



before the learned court below within a period of three weeks.

Considering the present stand of the parties, 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 Judicial Magistrate, Ist Class, Samastipur in connection with Complaint Case No. 570 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.)

DKS/

U		T	
---	--	---	--

