

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35472 of 2016**

Arising Out of PS.Case No. -497 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-  
SITAMARHI

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Raj Kishore Thakur Son of Ram Chandra Thakur, Resident of village  
Mahmadda P.S. Bajpatti, District – Sitmarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Bina Devi wife of Raj Kishore Thakur Resident of vllage – Mahmadd  
P.S. Bajpatti, District – Sitamarhi.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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

05/ 07-02-2017

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.

Learned counsel for the petitioner submits that  
the petitioner admits his marriage with the complainant and he  
is ready to keep the complainant as wife with full dignity and  
honour. Statement to that effect has been made in paragraph no.



8 of the petition, which reads as follows:-

*“.....The petitioner is husband of the complainant and he want to keep the complainant.”*

The notices were issued to the complainant vide order dated 18.08.2016.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 01.12.106. The report of the Mediator dated 28.01.2017 at Flag ‘MR’ reflects that the petitioner has performed second marriage with Rubi Kumari without divorcing the complainant and the complainant demanded one time settlement amount of rupees five lakhs but the petitioner was ready to make payment of rupees one lakh only as a result the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that the complaint has been filed with accusation of torture and performing second marriage by the petitioner but cognizance has only been taken under Section 498A of the Indian Penal Code. However, the petitioner is ready to make payment of Rs.3,000/- per month from March, 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 four weeks. It is also contended that Aadhar card and voter identity card of the complainant are lying with the petitioner.

It is submitted by learned counsel for the petitioner that if it is found in the possession of the petitioner he handed over the same to the complainant.

In the circumstances, learned counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

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 Sub-divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Complaint Case No. C-1/497 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/

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