

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42771 of 2016

Arising Out of PS.Case No. -950 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Jawahar Kumar Ram, Son of Late Parmeshwar Ram, Resident of village –
Padumnagar, Police Station – Karjain, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Niky Kumari @ Niku Devi, Wife of Jawahar Kumar Ram, daughter of
Chandeshwar Ram @ Chandeshwari Ram, Resident of village –
Padumnagar, Police Station – Karjain, District – Supaul. At present
address – village and post office – Manpur, Police Station – Gamhariya,
District – Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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

05/ 03-03-2017

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
process has been directed to be issued after cognizance being
taken for the offences punishable under Sections 498A/34 and 494
of the Indian Penal Code.

The basic accusation is of torture and performing
second marriage with one Priti Kumari.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



complainant and birth of a female child. The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:-

“That petitioner is in Army and he is still ready to keep his wife (complainant) with him with full honour and dignity but she is avoiding to live with the petitioner.”

It is further submitted that the complainant has illicit relationship with one Arvind Kumar and the petitioner has not performed second marriage. Statement to that effect has been made in paragraph 10 of the petition which reads as follows:-

“That it is submitted that complainant has illicit relation with one Arvind Kumar, son of Shri Dykhan Ram, resident of village and P.O. – Manpur, P.S. – Gamahariya, District – Madhepura. Therefore she is avoiding to live with the petitioner when petitioner has not solemnized his second marriage.”

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 28.09.2016. The report of the Mediator at Flag ‘MR’ dated 09.01.2017 reflects that the issue could not be resolved through the process of mediation. However, a joint compromise petition has been filed to the effect that the parties have decided to part ways on payment of



Rs.5,00,000/- to opposite party no. 2 Niky Kumari and Rs.2,00,000/- to the daughter of petitioner and opposite party no. 2 namely, Anshu Priya. The said payment will be made within a period of six months. It was also agreed between the parties that they will get the marriage dissolved and withdraw the present case as Complainant Case No. 950 of 2014.

Mr. Dr. Sanjay Kumar Singh, learned counsel for the complainant-opposite party no. 2 is not controverting the contention of the petitioner and the entering into the compromise but he is apprehensive with regard to payment of the agreed amount, but he is not opposing the prayer for anticipatory bail of the petitioner at present.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Complaint Case No. 950 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be



confirmed by the learned court below on compliance of the terms of the agreement mentioned in the joint compromise petition. It is expected from the parties to file compromise petition before the learned court below also.

(Dinesh Kumar Singh, J)

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