

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37855 of 2016

Arising Out of PS.Case No. -110 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Nand Kishore Mandal @ Kishore Mandal @ Kishore Kumar Mandal son of
Late Anandi Mandal resident of Village- Shanti Tola Fasia, P.S. and District
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandani Devi D/o Anil Mandal, W/o Kishore Mandal @ Nandkishore
Mandal resident of Village Margaha, P.O. Madari Chak, P.S.- Manihari,
District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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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
process has 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 but
submits that the complainant has some illicit relationship with her
neighbour of the petitioner, hence, the petitioner is not ready to



keep her. It is further submitted that the petitioner is ready to make payment of one time settlement amount on dissolution of marriage.

Counsel for the complainant submits that the petitioner has illicit relationship with his sister-in-law (Bhabhi) and the complainant is ready to get the marriage dissolved on payment of one time settlement amount of rupees five lakhs.

Counsel for the petitioner submits that the petitioner is not financially capable of making payment of rupees five lakhs as one time settlement amount.

Considering the rival submissions of the parties, it appears that the issue could not be reconciled at present.

In the circumstances, let the learned court below consider the prayer for bail of the petitioner without being prejudiced by the order of this Court, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 110 of 2014 pending in the court of learned SDJM, Katihar.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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