

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13119 of 2016

Arising Out of PS.Case No. -361 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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Mithilesh Paswan @ Mithilesh Kumar, Son of Ranjeet Paswan, Resident of
Village- Kharate, P.S- Barachatti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi, d/O Nagina Paswan, Resident of Village- Basukura, P.S-
Mohanpur, P.O- Musaila, District- Gaya.

.... Opposite Party/s

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With

Criminal Miscellaneous No.21167 of 2016

Arising Out of PS.Case No. -213 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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Mithilesh Paswan @ Mithilesh Kumar, Son of Ranjeet Paswan, Resident of
Village- Kharate, P.S- Barachatti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi, d/O Nagina Paswan, Resident of Village- Basukura, P.S-
Mohanpur, P.O- Musaila, District- Gaya.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.13119 of 2016)

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

(In Cr.Misc. No.21167 of 2016)

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. P.N.Pandit(App)

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

ORAL ORDER

07/ 02-03-2017

Heard learned counsels for the petitioner, State

and the complainant-opposite party no. 2.

The petitioner in the above mentioned Cr. Misc.



applications arising out of the two complaints filed by the same complainant-opposite party no. 2 against the being her husband. Initially, the complaint filed Complaint Case No. 213 of 2014 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code (Cr. Misc. No. 21167 of 2016). Subsequently, the complainant filed Complaint Case No. 361 of 2015 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 307, 494, 386, 379, 427, 323, 504/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act (Cr. Misc. No. 13119 of 2016).

In the first complaint the basic accusation is of torture and in the second complaint the basic accusation is of torture for non-fulfillment of the dowry demand, making assault and performing second marriage.

On the joint prayer of the parties, the matters were referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 08.08.2016, but the report of the Mediator at Flag 'A' dated 23.09.2016 reflects that the matter could not be reconciled through the process of mediation.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue but the issue could not be resolved due to the apathetic attitude of the complainant and the complainant is suffering from leprosy and hence, the petitioner is not ready to keep her. However, petitioner is ready to make payment of Rs.4,000/- per month from April, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that there is no dispute with regard to the marriage between the petitioner and the complainant. The complainant is still ready to resume the conjugal life. However, reluctantly, she 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 and hence, is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner in both the applications 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, Sherghati, Gaya in connection with Complaint Case Nos. 361 of 2015 and 213 of 2014, 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.)

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