

Arising Out of PS.Case No. -2396 Year- 2014 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

.... Petitioner/s

.... Opposite Party/s



after marriage, the complainant was not compatible with the petitioner and ultimately she deserted the petitioner. The illness of the mother of the petitioner got the relationship between petitioner and the complainant more bitter and ultimately the mother of the petitioner died but the complainant never come to see her. The present complaint was filed on 14.10.2014 with accusation of torture for non-fulfilment of dowry demand and Maintenance Case No. 198 of 2014 was filed on 19.12.2014. Consequently, learned Principal Judge, Family Court, Ara, vide order dated 12.04.2016, directed the petitioner to pay Rs. 5000/- per month as maintenance to the complainant. The petitioner is paying the said amount regularly. The petitioner is Locomotive driver in the Railway. Ultimately, the petitioner after visualizing that there is no chance of the issue being reconciled, filed Matrimonial Suit No. 4 of 2015 on 30.01.2015, before the Principal Judge, Family Court, Latehar, Jharkhand, wherein the mediation has failed.

The matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority, vide order dated 17.10.2016 by this Court. The report of the Mediator at Flag-X dated 28.02.2017, reflects that in spite of sincere efforts, the mediation could not succeed.

It is submitted by learned counsel for the



complainant that the complainant is still ready to resume the conjugal life. She had never been informed about the illness of mother of the petitioner. After death of her mother-in-law, she went to the matrimonial house, but she was neither welcomed nor anyone responded positively, as a result, she returned. However, the complainant is not denying the factum of payment of Rs. 5000/- per month by the petitioner as maintenance to her.

The matter is pending before this Court since 24.06.2016 and sincere efforts were taken including referring the matter to the Mediation & Conciliation Centre, but the issue could not be reconciled.

In the circumstances, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may be reconciled in future, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail 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, Bhojpur at Ara in connection with Complaint Case No. 2396-C of 2014, Trial No. 4268 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



The complainant will have liberty to file appropriate application for cancellation of bail of the petitioner, if the petitioner defaults on two consecutive occasions of maintenance amount as awarded by learned Principal Judge, Family Court Ara in Maintenance (Misc.) Case No. 198 of 2014.

Shageer/-

(Dinesh Kumar Singh, J)

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