

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22552 of 2017

Arising Out of PS.Case No. -116 Year- 2015 Thana -RIVILGANJ District- SARAN

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Krishna Nand Pandey, Son of Rambhu Nath Pandey, Resident of Village - Sikandarpur, Kashva, Police Station - Sikandarpur, District - Balia (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Devi, Daughter of Radhey Ram Pandey, Wife of Krishna Nand Pandey, Resident of Sitab Diyara, Chhotka Baiju Tola, Lala Tola, Police Station - Rivilganj, District - Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Adv.
For the State	:	Smt. Veena Rani Prasad, Adv.
For O.P. No. 2	:	Mr. Chandra Bhushan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-08-2017 Heard learned Counsels for the petitioner, informant and the State.

The petitioner being the husband of informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 313, 511 and 307/34 of the Indian Penal Code.

The informant claims to have married the petitioner on 20.02.2011 and thereafter, she gave birth to a female child, though, the accused persons had taken attempts to get the pregnancy of the informant terminated. Subsequently, torture was inflicted and ultimately, in August, 2014, the accused



persons drove out the informant from the matrimonial house.

It is submitted by learned Counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child out of the wedlock. Initially, the petitioner was inclined to keep the informant as wife with full dignity and honour but, at present, he is not inclined to keep her.

The matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority, Patna, Vide order dated 31.05.2017. The report of the Mediator dated 11.08.2017, kept at 'Flag-X' reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the informant-opposite party no.2 that the Principal Judge, Family Court, Saran at Chapra, vide Judgment dated 3rd of December, 2016, passed in Maintenance Case No.265 of 2015, directed the petitioner to pay maintenance of Rupees Three Thousand per month to the informant and Rupees Three Thousand per month to the minor child, from the date of the order, i.e. 03.12.2016, but the same amount has not been paid till date by the petitioner. However, the informant is still ready to resume the conjugal life.

Learned Counsel for the petitioner further submits



that since he is not in position to pay Rs.6000/- per month as directed in the aforementioned maintenance case, hence, he has challenged the same.

Since the petitioner is neither ready to keep the informant nor is making payment of maintenance awarded by the Court, this Court is not inclined to enlarge the petitioner on anticipatory bail. Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Rivilganj P.S. Case No116 of 2015, pending before the learned ACJM-VIII, Saran at Chapra.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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