

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26680 of 2016

Arising Out of PS.Case No. -1071 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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Gopal Kumar Mahto, Son of Late Jageshwar Mahto, Resident of Village -
Uda , P.S. -Uda Kishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi, W/o- Gopal Kumar Mahto, R/o Uda, P.S. - Uda
Kisunganj, Distt.Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate
For the State : Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-05-2017 Heard learned counsel for the petitioner and the
complainant as well as learned APP for the State.

The petitioner being the husband of the complainant
is apprehending 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.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner
that the petitioner admits his marriage with the complainant and
birth of two female children, who are now married. It is further
submitted that in the background of property dispute the
accusation has been levelled. The complainant has filed Title Suit



No.45 of 2015 and thereafter filed Maintenance Case No.115/2013. The petitioner has also filed Matrimonial Suit No.21 of 2015 with a prayer for divorce. The earlier maintenance case, filed by the complainant, was withdrawn and subsequently Matrimonial Suit No. 43 of 2015 was filed.

It is very surprising that neither the petition nor the impugned order nor the counsels of either party are able to clarify that the Matrimonial Suit No. 43 of 2015 was filed by the petitioner or the complainant.

It is further submitted by learned counsel for the petitioner that the petitioner sold his property and got the daughters married and the property of the petitioner has been captured by the complainant.

Learned counsel for the complainant submits that the complainant got married both the daughters after taking loan and the petitioner is not maintaining her.

This Court vide order dated 17.02.2017, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 29.03.2017, kept at 'Flag-X' reflects that both, the petitioner and the complainant failed to appear before the Mediator. The matter is being adjourned since



26.09.2016 allowing the parties to resolve the issue, but it does not appear that both sides are really inclined to resolve the issue. They are only levelling allegation and counter allegation against each other.

In the circumstances, 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 Complaint Case No.1071C/2013 pending before the learned SDJM, Uda-Kishunganj.

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

Ashwini/-

(Dinesh Kumar Singh, J)

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