

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64112 of 2018

Arising Out of PS. Case No.-1514 Year-2017 Thana- GAYA

COMPLAINT CASE District- Gaya

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1. Rajendra Kumar Saha, S/o Late Mangal Prasad Saha aged about 57 years, Resident of The Raymond Shop, Ward No. 5, Infront of M.P.C. College, Bada Bazar, Bari Pada, P.S. Baripada Town, District- Mayurbhanj, Odisa.
2. Smt. Surekha Saha, W/o Rajendra Kumar Saha, aged about 55 years, Resident of The Raymond Shop, Ward No. 5, Infront of M.P.C. College, Bada Bazar, Bari Pada, P.S. Baripada Town, District- Mayurbhanj, Odisa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Adv
For the Complainant : Mr. Shanshank Shekhar, Adv
For the Opposite Party/s : Mr. Sri Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-12-2018 Heard the learned counsel for the petitioners, the informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1514 of 2017 in which cognizance has been taken under Section 498(A) of the Indian Penal Code.

From the records of this case, it appears that the



daughter of the complainant/O.P. No. 2 was also employed in Tata Consultancy Services(TCS) at Bangalore and at the insistence of the son of the petitioners, she got herself transferred to Bhubaneswar where the son of the petitioners was also working in the TCS. Later, the son of the petitioners resigned from his job to take up and manage the family business.

According to the learned counsel for the petitioners, the daughter of the complainant/O.P. No. 2 was also requested by her husband to participate in the family business but it appears that such request has not been accepted by her.

The learned counsel has further assured this Court that whichever document of the daughter of the complainant/O.P. No. 2 is available in the family home, that shall be returned to her without any delay. For the aforesaid purpose, a written list of such documents shall be furnished, in advance, to the complainant.

Though there has been allegation in the complaint of assault and insinuation, but since both the spouses are



qualified and are financially independent, such allegations are only reflection of disturbed marital life.

In any view of the matter, this Court has been informed that while hearing the case for anticipatory bail of the son of the petitioners (husband of daughter of the complainant/O.P. No. 2), a Bench of this Court has referred the matter to the Mediation Centre of the Patna High Court in the hope that there would be an amicable settlement between the parties.

This Court is of the view that no useful purpose would be served in relegating the case of the petitioners also to the Mediation Centre.

Regard being had to the aforesaid facts, the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today before the learned Court below, are directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 1514 of 2017, subject



to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that as and when the Mediator assigned for this case demands the presence of the petitioners, they shall visit the Mediation Centre and shall not shy away from participating in the deliberations for the purposes of an amicable settlement. If without any reason, the petitioners withhold themselves from participating or paying heed to the directions of the Mediator, it would be open for the complainant/O.P. No. 2 to approach this Court for varying /modifying the order of this Court.

Needless to state that the Mediator shall also make a reasonable request to the petitioners, keeping in mind the old age of petitioner No. 2.

With the aforesaid observation, the petition is disposed off.

(Ashutosh Kumar, J)

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