

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51485 of 2018

Arising Out of PS. Case No.-1861 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

Santosh Kumar Singh, Son of Late Manaku Singh, Resident of Village-
Madudabad Chandani Chawk, Police Station- Mohaddinagar, District-
Samastipur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bebi Devi, daughter of Parmeshwar Singh, resident of Village- Sultanpur,
Police Station- Desari, District- Vaishali , Wife of Santosh Kumar Singh,
Resident of Village- Madudabad Chandani Chowk, Police Station-
Mohaddinagar, District- Samastipur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 10-04-2019 Heard learned Counsels for the petitioner and
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
offence punishable under Section 498(A) of the Indian Penal
Code.

The prosecution case as per the complaint petition is that
the complainant was married with the petitioner in the year 2010
and they were blessed with two children. But, subsequent to
marriage, further amount of Rs.2-3 lakhs was demanded for



purpose of starting a business and due to non-fulfillment of the same, ultimately, on 15.05.2015, the complainant was driven out from the matrimonial house. It is further alleged that in course of time, she came to know that his husband is having some illicit relationship with other woman.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children out of the wedlock and the petitioner is ready to keep the complainant as wife with full dignity and honour, though statement to that effect has not been made in the petition. It is further submitted that the petitioner has not performed second marriage, however statement to that effect has also not been made in the petition.

It appears that a Co-ordinate Bench of this Court, vide order dated 10.12.2018 referred the matter to the Patna High Court Mediation Committee. The report of the Mediator dated 14.03.2019, kept at 'Flag-M' reflects that the issue could not be reconciled between the parties through the process of mediation.

Learned counsel for the complainant submits that since the petitioner has performed second marriage, hence in this circumstance, she is not ready to accept the offer of the petitioner and resume the conjugal life with him. However, the



complainant wishes to get the issue resolved on the terms of payment of one time settlement amount.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs.2,000/- per month to the complainant from May, 2019 by depositing the same in her bank account by second week of every succeeding month.

Learned counsel for the complainant further submits that the complainant accepts the offer of the petitioner and she undertakes to submit her bank account number within a period of three weeks from today by filing the same on affidavit before the learned Court below.

Considering the present stand of the parties, in order to save the complainant and his two children for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in the future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned **Additional Chief Judicial Magistrate-12, Hajipur** in connection with **Complaint Case**



No.C1-1861 of 2016, Trial No.2073 of 2018, 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 any collateral 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)

Deepak/Rahul/-

U		T	
---	--	---	--

