

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84926 of 2019

Arising Out of PS. Case No.-458 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Pankaj Kuamr Son of Kapiladev Prasad Resident of Village - Kishanpur, P.S.-
Barbigha, Distt.- Shekhpura, At Present - Resident of mohalla- Professor
Colony Biharsharif Kila Par, P.S.- Bihar , Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pushpa Kumari D/o Ram Chandra Prasad At presedent Resident of Village -
Kalyanpur (Biharsharif), P.S.- Bihar, Distt.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ratneshwar Prasad, Advocate
For the State	:	Mr. Uma Shankar Pd. Singh, APP
For the Complainant	:	Mr. Satya Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-02-2020 Heard learned counsel for the petitioner, learned
counsel for the complainant-opposite party no. 2 and learned
APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his arrest in a complaint case wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 323 and 498A/34 of the
Indian Penal Code.

The prosecution case as per the complaint petition is
that the complainant was married with the petitioner on
01.05.2015 but subsequent to the marriage, demand was made
for transfer of house and shops of the complainant's father in the
name of the petitioner and due to non-fulfillment of the same,



torture was inflicted upon the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant with full dignity and honour, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the fact is that petitioner is ready to keep the complainant (wife) with full love and dignity but complainant who is not ready to live with the petitioner and she herself left her matrimonial house and went to her parental house.”

It appears that vide order dated 20.12.2019, the matter was referred to the Mediation and Conciliation Centre of Patna High Court and in pursuance to that, the petitioner took the complainant to his place of employment at Mumbai and both are residing together.

Learned counsel for the complainant submits that the complainant is residing with the petitioner at Mumbai in pursuance to the settlement of the issue between them in the mediation, but the petitioner should only be granted bail on complete restoration of matrimonial harmony between the complainant and the petitioner.

Considering the fact that in pursuance to the



mediation, the petitioner and complainant are residing together, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Nalanda (Biharsharif) in connection with Complaint Case No. 458C of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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