

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86486 of 2019

Arising Out of PS. Case No.-1846 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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MUNINDRA KUMAR Son of Bhupendra Prasad Dwivedi @ Bhupendra Dwivedi Resident of Village- Shantinagar, Dumra Raod, P.S.- Sitamarhi, District- Sitamarhi, at present B-15, Street No. 1, Vasundhara Vihar Colony, P.S.- Gandhi Nagar, District- Ambikapur, Chhattisgarh.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari Wife of Munindra Kumar Resident of Village Shantinagar, Dumra Road, P.S.- Sitamarhi, District- Sitamarhi, at present Daughter of Late Upendra Jha, Mohalla- Shivpuri, Ward No. 8, Nagar Panchayat- Dumra, P.S.- Dumra, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Suryakant Kumar
For the Opposite Party/s	:	Ms.Rita Verma
For O.P. No. 2	:	Mr. Pushpendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 06-01-2022 Heard the learned counsel for the parties.

The petitioner, who is husband of opposite party no. 2 seeks bail in anticipation of his arrest in connection with Complaint Case No. CI-1846/2018 instituted for the offence under Section 498A of the Indian Penal Code.

The matter had been sent to the Patna High Court Mediation and Conciliation Centre but till date the mediation process has not concluded.

However, the learned counsel for the petitioner



today submits that the mediation is not possible because the opposite party no. 2 is not ready to account for Rs. Fifteen Lakhs which had been paid to her in the past. The petitioner, however, is ready to make arrangements for his daughter for her studies and her future expenses.

The learned counsel for the opposite party no. 2, however, has submitted that a very unreasonable plea has been taken by the petitioner in asking for the accounting of money which he presumably had given to her during the times when the marriage had not turned bad. He further submits that no order has been passed by the court below with respect to her maintenance.

A domestic violence case also is pending before the court below.

Considering the afore-noted facts and the submissions on behalf of the parties especially that the petitioner is of the view that no mediation is possible, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However if the petitioner surrenders before the



court below and seeks bail, his application shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has been rejected.

(Ashutosh Kumar, J)

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