

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52990 of 2015

Arising Out of PS.Case No. -2112 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Mithilesh Kumar Rai Son of Sri Ram Ratan Roy R/o Village - Parihattha,
Ward No. 2, P.O. - Latbasepura, P.S. - Musharigharari, District -
Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Gayatri Kumari W/o Mithilesh Kumar Roy presently residing with
her father Sri Yogendra Prasad Yadav residnet of Village - Kuwar, Bajitpur
Bardiha, P.O.- Bajitpur, P.S. - Patepur, District - Vaishali at Hajipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 11-05-2016 Heard learned counsel for the petitioner, learned counsel for
the State and learned counsel for the informant.

The petitioner apprehending his arrest in connection with
Complaint Case No.2112 of 2014 for the offences punishable
under Sections 498A, 406 and 323 of Indian Penal Code and
Section 3 of the Dowry Prohibition Act has been granted
provisional bail by this Court vide order passed on 16.12.2015. By
the same order notice was issued to the complainant and who has
registered appearance through her counsel. It is on appearance that
this Court took up an exercise to explore a possibility of settlement
in between the parties and restoration of matrimonial harmony but



it was not forthcoming. The petitioner, however, has come forward with an offer to pay an amount in between Rs.5000/- to 7000/- per month to the opposite party No.2, until the disposal of the divorce case which is pending before the Principal Judge, Family Court, Vaishali at Hajipur. It is also stated by Mr. Yesu that the criminal case has been filed after the petitioner has preferred the divorce case bearing Divorce Case No. 141 of 2014.

Considering the pendency of the divorce case as well as the fact that a restoration of matrimonial harmony is not forthcoming for the reasons whatsoever, this Court taking note of the offer made by the petitioner for payment of an interim amount pending disposal of the divorce case to the complainant would require him to make a payment of Rs. 7000/- per month to the complainant beginning from May, 2016 and which shall continue until the final orders passed in the divorce case and would be adjustable against the alimony, if any, allowed by the Family Court.

In case the petitioner would default in the payment of the amount which he has undertaken to pay and taken note of above, the complainant would be at liberty to file an appropriate application in the Court below for cancellation of bail. The petitioner would as per his undertaking pay an amount of Rs. 7000/- each month either to the complainant herself or in case the

complainant is not ready to accept the amount so offered by the petitioner he shall be at liberty to deposit the same either in the Savings Bank Account of the complainant or in the Court of Judicial Magistrate, Vaishali at Hajipur or the court concerned where the criminal case is pending, by way of bank draft.

In the nature of the order so passed hereinabove, the provisional bail granted to the petitioner on 16.12.2015 is hereby confirmed.

This application is allowed.

(Jyoti Saran, J)

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