

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.158 of 2018

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1. Prabin Kumar, Son of Dhirendra Prasad Singh, Resident of Village- Thatha, P.S.-
Mansi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Kumari, Wife of Prabin Kumar, Resident of Village- Thatha, P.S.- Mansi,
District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For opposite party no. 2 : Mr. Suryakant Mishra, Adv

For the Respondent/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

Date: 06-09-2018

Heard the parties.

The present Criminal Revision application under Section 397 read with Section 401 of the Code of Criminal Procedure (Cr.P.C.) has been filed against the order dated 03.08.2017, passed by the Sub Divisional Judicial Magistrate, Khagaria in G.R. No. 2809/2015, arising out of Mansi P.S. Case No. 223/2015, for the offence under Section 498(A) of Indian Penal Code, whereby, the court below has granted the provisional bail to the petitioner on condition to pay Rs. 5,00,000/- out of which, Rs. 10,000/- has already been paid and remaining amount of Rs. 4,90,000/- has to be paid by the petitioner to opposite party no. 2 in cash, within a period of one



year and also to execute the register sale deed in favour of opposite party no. 2 as well as to give certain ornaments.

Submission of learned counsel for the petitioner that petitioner under pressure signed the compromise on 03.08.2017 and on the basis of which, he was granted the privilege of provisional bail, however, he is not in condition to pay such a huge amount and is unable to meet the condition, which is unbearable and beyond the capacity of the petitioner as he is a Government Teacher and only gets Rs. 19,000/- per month as salary, whereas, opposite party no. 2 is herself a government teacher and earns her livelihood.

Learned counsel for the opposite party no. 2 opposed the revision application and submitted that on the basis of compromise between the parties, the petitioner obtained the provisional bail and now has come before this court with a new plea that he is unable to meet the condition, which cannot be permitted.

Considering the facts and circumstances of the case and also the fact that the revisionist – petitioner himself agreed to the terms and condition and signed on the compromise petition, on the basis of which, he was granted the privilege of provisional bail by the court below and, therefore, he cannot take a new plea of being unable to meet the terms and condition of the compromise.

However, it has been submitted by learned counsel for



the petitioner that petitioner has already paid Rs. 1,30,000/- (Rs. One Lakh Thirty Thousand)/-, and an amount of Rs. 3,70,000/- (Rs. Three Lakh Seventy Thousand) has remained to be paid, as such, for the ends of justice, petitioner is directed to pay the above stated amount of Rs. 3,70,000/- (Rs. Three Lakh Seventy Thousand) to the opposite party no. 2 in cash, within a period of two years from today in four equal installments of Rs. 92,500/- (Rs. Ninety Two Thousand Five Hundred).

It is made clear that if the petitioner fails to pay the above stated amount within the aforesaid period, the provisional bail granted to him shall stand automatically cancelled.

With the above modification in terms and condition, this application is disposed of.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.09.2018
Transmission Date	10.09.2018

