

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49347 of 2017

Arising Out of PS.Case No. -3489 Year- 2009 Thana -COMPLAINT CASE District- ARRARIA

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Mahendra Choudhary @ Mahendra Mahatha, S/o Girish Mahatha, R/o
Village- Barmasia Purana Gas Godown (East), Ward No.1, P.S. + District-
Deoghar.

.... Petitioner

Versus

1. The State of Bihar.
2. Sharda Devi, D/o Shree Bhola Choudhary, R/o Mohalla- Bhagat Tola,
Ward No. 28, P.S. and District- Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dharmendra Kumar Singh, Advocate.
For the State : Mr. Rajeev Nayan, A.P.P.
For the O.P. No. 2 : Mr. Satish Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 16-07-2018 Heard learned counsel for the petitioner, learned counsel
for the opposite party no. 2 and learned counsel for the State.

On the prayer of learned counsel for the petitioner, the
matter was referred to the Mediation Centre of Patna High Court
Legal Services Committee, Patna and the petitioner was granted
provisional bail so that he could participate in the mediation and
the parties could arrive to a settlement.

A report was submitted by the Mediation Centre of Patna
High Court Legal Services Committee, Patna, stating that the
mediation has failed. Later on, several adjournments were taken
on behalf of learned counsel for the petitioner assuring the Court



that they will comply with the order passed by the learned Principal Judge, Family Court, in respect of maintenance granted to opposite party no. 2.

When the matter is taken up today the learned counsel for opposite party no. 2 submits that no steps till date has been taken on the part of the petitioner for complying the order passed by the Principal Judge, Family Court, in respect of maintenance.

The petitioner is husband of opposite party no. 2. In spite of opportunities given to the petitioner either to arrive at the settlement or to comply with the order of the Principal Judge, Family Court, in respect of maintenance, the petitioner has failed in discharging the duties and responsibilities towards the wife as well as his children.

Considering the conduct of the petitioner and accusation in the complaint case, I am not inclined to confirm the provisional bail granted to the petitioner by order dated 13.10.2017 in connection with Complaint Case No. 3489-C of 2009, pending in the court of learned S.D.J.M. Araria. The same stands cancelled.

The petitioner is directed to surrender before the learned court below within a period of two weeks from the date of receipt/production of copy of this order. If the petitioner fails to do so, the learned court below shall take all necessary steps to ensure



the appearance of the petitioner.

It is expected that the Superintendent of Police, Araria, shall ensure the production/appearance of the petitioner in the court below.

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(Sudhir Singh, J)

