

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7347 of 2019

Arising Out of PS. Case No.-351 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Abhishek Ranjan @ Monu Son of Late Sitaram Choudhary R/o village-
Azizpur Chande Musapur, P.S- Pathepur,

... .. Petitioner/s

Versus

1. State Of Bihar
2. Kumari Kanak Lata Wife of Abhishek Ranjan @ Monu D/o Madan Mohan Tiwari , R/o village- Harpur Pusatoal Narayanpur, P.S- Pusa, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 19-08-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 351 of 2018, corresponding to Trial No. 3206 of 2018, instituted for the offences punishable under Sections 498A/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is that he subjected the opposite party No.2-wife to cruelty with respect to demand and ousted her from the matrimonial house.

It appears that on appearance of opposite party No.2 the matter was referred to the District Mediation Centre, Samastipur for mediation. However, report of Mediator at Flag 'M' disclosed that the dispute could not be settled between the



parties in spite of best efforts taken by the Mediator.

Submission of learned counsel for the petitioner is that due to unavoidable circumstance he could not agree for one time settlement. On the other hand, learned counsel for opposite party No.2 has submitted that opposite party No.2 is ready to reside with the petitioner, who has a business at Samastipur and has sufficient income but he is not maintaining opposite party No.2 and her children.

Heard learned APP also.

In view of above facts and circumstances, let petitioner surrender in the court below by 28.8.2019 on the condition that he shall pay Rs.5000/- per month to opposite party No.2 for a period of one year and during that period it is expected that opposite party No.2 shall move the Family Court for grant of maintenance and petitioner shall abide by any order passed by Family Court, either interim or final, unless the same is set aside or revised by any higher court and on surrender with the above condition he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Samastipur, in connection with Trial No. 3206 of 2018, arising out of Complaint Case No. 351 of 2018, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned. It is made clear that if petitioner fails to pay Rs.5000/- per month to opposite party No.2 continuously for three months, the opposite party No.2 is at liberty to move for cancellation of bail bonds of the petitioner before the court below and on filing of such an application the court below shall pass an appropriate order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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