

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15294 of 2019

Arising Out of PS. Case No.-1570 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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JHIGHAN SAHNI @ JHINGAN SAHANI, Son of Sahdeo Sahni @ Sahdeo Sahani R/o village- Jaukatiya , P.S- Majhauilya, Dist.- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Sabita Devi, Wife of Jhighan Sahni @ Jhingan Sahani R/o village- Jaukatiya, P.S- Majhauilya, Dist- West Champaran , Motihari at present residing at Shirkhandi, P.S- Sagauli, Dist- East Champaran, Motihari

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-07-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 1570 of 2017 instituted for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

Allegation against the petitioner is of demand of motorcycle and for that he ousted her wife from the house. Further allegation is that petitioner has illicit relationship with his Bhabhi and when opposite party No.2 protested she was tortured.

Submission of learned counsel for the petitioner is that the allegation of demand is false and concocted as she has suspicion against the petitioner of having illicit relationship with



his Bhabhi and that is why she is not residing with the petitioner and he is still ready to keep her with dignity and care.

On appearance of opposite party No.2 the matter was referred to the Patna High Court Mediation and Conciliation Centre and report of Mediator shows that mediation failed as it has been submitted by learned counsel for the petitioner that as a matter of fact opposite party No.2 was ready for one time settlement and demanded huge amount but it is not possible for the petitioner to pay the same as he is a Raj Mistri but he has admitted that he has not paid any amount to opposite party No.2.

Heard learned APP and learned counsel for opposite party No.2, who has opposed the prayer for anticipatory bail on the ground that petitioner has illicit relationship with his Bhabhi and in such a situation she is not ready to reside with the petitioner, rather she is ready for one time settlement and she has filed Maintenance Case No. 249 of 2019 and petitioner has appeared in that case and now the case is fixed on 6.8.2019.

Having heard both sides and in view of above facts and circumstances, this application is disposed of with direction to petitioner to surrender by 13.8.2019 on the condition that he will pay Rs.3000/- per month to opposite party No.2 for the



period of one year or till any final or interim order is passed in the maintenance case and on appearance the petitioner shall be released on bail by the court below itself and on failure to pay the said amount for continuously three months, opposite party No.2 shall be at liberty to move for cancellation of his bail bonds. It is also expected that petitioner shall appear in above maintenance case on next date and co-operate in disposal of the maintenance case.

(Vinod Kumar Sinha, J)

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