

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13668 of 2019

Arising Out of PS. Case No.-2542 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

MOTI LAL GIRI Son of Ram Ekbal Giri Residents of Village- Chargaha,
P.O.- Turkauliya, P.S.- Turkauliya, District- East Champaran.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Neetu Devi Wife of Moti Lal Giri, D/O Birendra Giri Resident of Village-
Sigahan, Block- Ujjain Lohiyar, P.O.- Ghayghat, P.S.- Harsidhi, District-
East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Shyameshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 03-09-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 2231 of 2018 arising out
of Complaint Case No.C-2542/2017, registered for the offences
punishable under Section 498A of the Indian Penal Code and
Section 3/ 4 of Dowry Prohibition Act.

Allegation against the petitioner is that he has
tortured and harassed the complainant with respect to the
demand of one motorcycle and cash Rs.1,00,000/-.

Submission of the learned counsel for the petitioner
is that the whole allegation is false and concocted and he is
ready to keep her with full dignity and care. Complainant has
suspicion of illicit relationship between the petitioner and her
Bhabhi and as such he is not residing with the petitioner. He



further submits that opposite No.2 has already filed Maintenance case No.421 of 2017 before the learned Principal Judge, Family Court, East Champaran, Motihari and he is ready to abide by award if any passed by the Family Court, East Champaran, Motihari.

In this case earlier the matter was referred to the Patna High Court Mediation & Reconciliation Center, vide order dated 02.07.2019. The report of Mediator is available on record at Flag "C" which disclosed that the mediation failed.

Learned counsel for the opposite party no.2 has appeared and submits that she is not ready to reside with the petitioner in view of the cruelty committed to her but she wants some needs of expenses from the petitioner.

Heard both sides.

In view of the above facts and dispute arises out of the marital disputes between the parties there is always a chance of any compromise between the parties, this application is disposed of with a direction to the petitioner to surrender before the Court below within a period of two weeks, and on surrender he will be released on bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub- Divisional Judicial Magistrate,



East Champaran, Motihari in connection with Complaint Case No. C2542 of 2017, subject to conditions as laid down under Section 438 (2) of the Cr.P.C. and further direction is that one of the bailors of the petitioners shall be a local persons having sufficient immovable property within the jurisdiction of the Court concerned, and with further condition that he has to appear before the Principal Judge, Family Court, East Champaran, Motihari in maintenance case No. 421 of 2017 filed by the opposite party no.2 and abide by any award passed by the Family Court, East Champaran at Motihari unless it is set aside or revised by higher Court. At the same time, Principal Judge Family Court, East Champaran, Motihari is directed to take step for reconciliation and if effort for reconciliation failed, after giving opportunities of hearing to the parties pass an order for interim maintenance within a period of three months from the date of failure of reconciliation.

With the above direction this application stands disposed of. Let, a copy of order be communicated to the Principal Judge, Family Court, East Chamaparn for information.

(Vinod Kumar Sinha, J)

T.Kr./-

U		T	
---	--	---	--

