

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17365 of 2019

Arising Out of PS. Case No.-182 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

=====

Ajit Kumar @ Ajit Kumar Yadav, Son of Shree Ramdev Yadav, Resident of
Village - Hewat Tendua, P.S.- Narari Kala Khurd, Distt - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibha Devi, Wife of Ajit Kumar Yadav, D/o Birja Yadav, Resident of Village
- Hewat Tendua, P.S.- Narari Kala Khurd, Distt - Aurangabad. At present
resident of village - Rajawari, P.S.- Aurangabad (Town) , Distt -
Aurangabad.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No.182 of 2018, disclosing

offences under Sections 323, 498A of IPC and Section 4 of

Dowry Prohibition Act.

Allegation against the petitioner is of subjecting the

complainant-wife to torture and harassment with respect to non-

executing the sale deed with respect to the land of the

complainant.

Submission of the learned counsel for the petitioner is

that he is ready to pay rupees 4 - 5 lakhs to the opposite party

no.2-wife, as one time settlement in the mediation, but the

opposite party no.2 was not ready and due to that mediation



failed.

On appearance of the opposite party no. 2, the matter was referred to the Patna High Court Mediation & Reconciliation Center, vide order dated 26.03.2019, but from the mediator's report, it appears that mediation failed.

Submission of learned counsel for the opposite party no.2 is that she is still ready to reside with the petitioner but he is not ready to keep her. Though before the learned court below a plea has been taken that he is ready to keep her with dignity and care. Further submission is that petitioner is trying to declare her mentally sick and for that, he has also filed a petition and thereafter, also filed a divorce petition, which is still pending. Even no amount has been paid by him towards her maintenance. Further submission is that she is still ready to live with the petitioner.

Having heard both sides, in view of the facts and circumstances, as stated above, this application is disposed of with a direction to the petitioner to surrender by 08.08.2019 before the learned court below and on condition that he will pay Rs. 3000/- per month to the opposite party no.2 by 10th of each month, till its final adjudication in any maintenance case or any other case filed by either of the parties, the petitioner shall be



released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Complaint Case No.182 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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

