

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16774 of 2019**

Arising Out of PS. Case No.-10 C Year-2016 Thana- COMPLAINT CASE District-
Lakhisarai

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NITESH KUMAR @ NITESH MANDAL @ PATEL RAMESH ROSHAN @
NITESH KUMAR MANDAL Son of Sri Subodh Mandal, Resident of
Village- Kiranpur, Police Station- Mednichauki, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Kumari, W/O Nitesh Kumar @ Nitesh Mandal @ Patel Ramesh Roshan, D/O Radhe Shyam Singh, Resident of Village- Salarpur, P.O.- Amarpur, Police Station- Mednichauki, District- Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 19-09-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 10(C)/2016, disclosing offences under Section 323, 341, 498(A), 494 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant and allegation against him is of subjecting the complainant to cruelty in connection with demand of dowry of Rs. One lac and of having illicit relationship with another lady and also allegation of solemnizing second marriage with another lady.

It appears that on appearance of opposite party no. 2, the matter was referred to Patna High Court Mediation and



Conciliation Center, Patna and the report of learned Mediator is available on record, from which, it appears that in spite of best and sincere effort, the dispute between the parties could not be resolved through the process of mediation.

Submission of learned counsel for the petitioner is that he is ready to bear the expenses of the complainant and recently an order has been passed by the learned Family Court directing the petitioner to pay Rs. 5000 per month as maintenance to complainant.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that the complainant is ready for one time settlement on the ground that petitioner has remarried with another lady.

Having heard both sides, considering the fact that the matter relates to matrimonial dispute between the parties and also the fact that petitioner is ready to bear the expenses of the complainant – opposite party no. 2 and the order has already been passed by the learned Family Judge directing the petitioner to pay Rs. 5,000/- per month to complainant towards her maintenance, as such, this application is disposed of with direction to the petitioner to surrender before the court below within two weeks and on condition that he will pay the amount



regularly to the complainant as fixed by the learned Family Court until the same is modified or set aside by any higher court, on which, the court below shall release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of concerned court below, in connection with Complaint Case No. 10(C)/2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to play the amount to the complainant consecutively for three months, complainant – opposite party no. 2 will be at liberty to move the court below for cancellation of bail bond of the petitioner.

It is also expected that complainant – opposite party no. 2 shall supply the details of her bank account in the learned Family Court so that the petitioner may transfer the amount of maintenance directly in her bank account.

(Vinod Kumar Sinha, J)

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