

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19043 of 2019

Arising Out of PS. Case No.-891 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SHRI NITIN MEHTA Son of Lalit Mehta Resident of Flat No. 1402, 14th Floor, IGNIS A Lodha Splendora Bhayanderpada Ghodbandar Road, P.S.- Kasarvadavali, District - Thane (Maharashtra), Pin -400607

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Chandra D/O - Shri Satish Chandra, W/O- Nitin Mehta Resident of House No. 49, New Punjabi Colony, Chitkohra near Gurudwara, Anisabad, P.O. - Anisabad, P.S.- Gardanibagh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate with M/S Sanjeev Kumar, Sanjeet Kumar, Advocates
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 891 (C) of 2018 instituted for the offences punishable under Sections 498A, 323, 325, 504, 506 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the court of S.D.J.M., Patna.

Allegation against the petitioner is of subjecting his wife-complainant to cruelty in different ways and for that she is residing separately.

Submission of learned counsel for the petitioner is that he is ready to keep the complainant with dignity and care but she is not ready to reside with him and due to that mediation



failed.

In this case, on appearance of opposite party No.2 the matter was referred to the Mediation Centre and the report of Mediator at Flag 'M' shows that mediation failed.

Heard learned counsel for opposite party No.2, who has opposed the prayer and submitted that opposite party No.2 is not ready to reside with the petitioner and she has filed Maintenance Case No. 21 of 2018 in which petitioner is not co-operating.

Heard learned APP also.

Both the petitioner and opposite party No.2 are Chartered Accountant and petitioner is in service in Bombay and opposite party No.2 is at Patna on contract basis service.

In view of above facts and circumstances, this application is disposed of with direction to petitioner to appear before learned Principal Judge, Family Court, Patna in Maintenance Case No. 21 of 2018 on 18.9.2019, which is the date fixed in that case and file an undertaking before the court that he will co-operate in disposal of the maintenance case and on that condition the petitioner on surrender by 25.9.2019 before the court below 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., Patna, in connection with Complaint Case No. 891(C) 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 and further condition is that petitioner has to abide by any order passed by learned Family Court unless the same is modified or set aside by any higher court.

(Vinod Kumar Sinha, J)

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