

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22300 of 2019

Arising Out of PS. Case No.-58 Year-2018 Thana- MAHILA P.S. District- Samastipur

NITIN MOHAN Son of Krishna Mohan Prasad Sinha Resident of Pani Tanki Road, Krishna Nagar Ward No. 5, Panchupur Rosra, P.S.- Rosra, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Samastipur (Mahila) P.S. Case No. 58 of 2018, registered for the offences punishable under Sections 379, 406, 420, 498A, 506 and 34 of the Indian Penal Code.

The case is under Section 498A of the IPC with allegation of demand of rupees five lacs and torture.

On appearance of the opposite party No.2 the matter was referred to the District Mediation & Reconciliation Center, vide order dated 02.07.2019. The report of Mediator is available on record at Flag “B” which disclosed that the mediation failed as no understanding has been reached between the parties.

Submission of the learned counsel for the petitioner is that he is ready for settlement of dispute but the demand of



one time settlement is excessive as such matter could not be materialized.

On the other hand, learned counsel for the opposite party no. 2 submits that she has demanded rupees twenty lacs whereas petitioner is ready to pay only fifteen lacs only. It has also been submitted by the he has already been given rupees seven lacs at the time marriage.

On persuasion the learned counsel for the petitioner has submitted that he is ready to give maintenance and in that view of the matter opposite party no. 2 has already filed Maintenance case No. 68 of 2019 before the Principal Judge, Family Court, Samastipur and in that case he has already appeared after receiving the notice.

In such view of the matter, and as the matter relates to the marital disputes, this application is disposed of with a direction to the petitioner to surrender before the Court below within two weeks, and petitioner 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 Judicial Magistrate 1st class, Samastipur, in connection with Samastipur (Mahila) P.S. Case No. 58 of 2018, 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, with condition that he has to appear before the Principal Judge, Family Court, Samastipur in maintenance case filed by the opposite party no.2 and both parties shall cooperate the Family Court in proceeding of maintenance case, and Family Court is directed that after availing the process of reconciliation between the parties he will pass an order for interim maintenance within a period of four months after receiving of the order and the petitioner shall abide by the order of the Family Court unless the same is refused or set aside by Higher Court.

With the above direction this application stands disposed of.

(Vinod Kumar Sinha, J)

T.Kr./-

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

