

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22783 of 2019

Arising Out of PS. Case No.-88 Year-2013 Thana- COMPLAINT CASE District- Araria

MD. ROKHAT @ MD. ROKHKHAT S/O Hamid, Resident of Village Ghat Tola, Belbari, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Bibi Najmin, W/O Md. Rakhhat D/o Israil Resident of Village Ghat Belbari, At Present Village- Harwa, P.S. Palasi, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 88C of 2013, registered for the offences punishable under Section 498A, of the Indian Penal Code.

This case is under Section 498A of the I.P.C. with an allegation of demand of Rs. 25,000/- and milking buffalo and subjecting the complainant to cruelty and torture.

On appearance of the opposite party No. 2, the matter was referred to the Patna High Court Mediation & Reconciliation Center, vide order dated 17.07.2019. The report of Mediator is available on record at Flag "E". But from perusal of the report it appears that none of the parties have appeared



before the mediator as such mediation failed.

Submission of learned counsel for the Petitioner is that as a matter of fact, after receiving notice complainant has filed a compromise petition before the learned Court below but thereafter she lived in the house of the petitioner. Petitioner is still ready to keep her with full dignity and care.

On the other hand, learned counsel for the opposite party no.2 submits that she is still ready to reside with the petitioner unless she is allowed to keep her with dignity and care.

In view of the stand of the parties this application is disposed of with direction to the petitioner that he surrender before the Court below on 20.9.2019 and on that day the opposite party no.2 shall also remain present in the Court, and further on filing of an affidavit by the petitioner that he is ready to keep her with full dignity and care and to take her from the Court itself, then he will be released on provisional bail for a period of six months on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Sri Ashish Rajnaj, Judicial Magistrate, 1st Class, Araria, in connection with Complaint Case No. 88C of 2013, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C. During that period, the learned Court below shall watch the conduct of both the parties and further directs that both the parties shall appear in the second week of each month before the learned Court below. Once the Court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the Court below will confirm the bail bonds of the petitioner otherwise pass any other orders, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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