

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28324 of 2019

Arising Out of PS. Case No.-1299 Year-2016 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Rahul Kumar Son of Bharat Sah Resident of Village - Lakshmisagar,
Jhashipur Road, Bank Colony, P.S.- Darbhanga Sadar, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pallavi Kumara Wife of Rahul Kumar, D/o Shambhu Sarma Resident of Village - Lakshmisagar, Jhashipur Road, Bank Colony, P.S.- Darbhanga , Dist.- Darbhanga., Presently Residing at Shambhu Sah Miralahpur, P.S.- Balia, Dist.- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 04-09-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 1299 of 2016, disclosing offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Case is under Section 498-A of the IPC.

On appearance of the opposite party no. 2, the matter was referred to the District Mediation & Reconciliation Center, Begusarai, vide order dated 16.07.2019. The report of Mediator is available on record at Flag “M” which disclosed that in spite of best efforts, mediation failed.

Submission of the learned counsel for the petitioner is



that he is ready to pay Rs.50,000/- as one time settlement whereas the demand is exorbitant for the petitioner who is not doing any work and he is ready to pay maintenance to the opposite party no.2 for herself and her children. It has also been submitted that complaint petition itself shows that petitioner is not doing anything whereas his mother is Nurse and elder brother is a driver.

Heard learned APP as well as learned counsel for the opposite party no.2, who has opposed the prayer for anticipatory bail on the ground that he has demanded only rupees 3 lakhs as one time settlement and it is not exorbitant amount as the opposite party no.2 has to maintain herself and her children also.

Having heard both sides, considering the above facts and circumstances, as stated above, as it is a case of marital disputes between the parties and there is always hope of reconciliation between the parties any time in future, as such, the provisional bail granted to the petitioner vide order dated 01.05.2019 is confirmed with the condition that petitioner shall pay Rs.3000/- per month to the opposite party no.2 for a period of one year. During that period, the opposite party no.2 shall move before the learned Family Court for grant of maintenance, in which, on personal service, petitioner has to appear and co-



operate in disposal of the same. Further he will abide by any order either interim or final passed by the Family Court, unless the same is not set aside or refused by any higher authority.

With the aforesaid observations, this application is allowed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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