

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38727 of 2019

Arising Out of PS. Case No.-3901 Year-2015 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Makhan Yadav @ Makkhan Yadav, Son of Late Jaldhar Yadav, Resident of
Village - Tamkulha, P.S.- Sonbarsa, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Makhan Yadav @ Makkhan Yadav, D/O - Shatragghan
Yadav Resident of Village - Rahua, P.S.- Sour Bazar (Patarghat O.P.),
District- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party No.1: Mr.Dr. Ajeet Kumar

For the Opposite Party No.2: Mr. Amarnath Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 28-11-2019 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel representing the

opposite party no.2.

The petitioner in the present case is the husband of
opposite party no.2 who is seeking anticipatory bail in
connection with Complaint Case No.3901 of 2015 registered for
the offences punishable under Sections 498A and 494 of the
Indian Penal Code.

It appears that the record of this case was sent to the
mediation centre attached to this Court for taking efforts to find
out a resolution of dispute amicably, but the mediation has



failed.

From the submissions of learned counsel for the parties it appears that there are issues of compatibility and now after a lapse of about 17-18 years of marriage the petitioner and opposite party no.2 have fallen a part. The opposite party no.2 is also now looking for settlement and maintenance.

In course of argument, learned counsel for the petitioner offers to pay a sum of Rs.2,000/- to the opposite party no.2 towards her maintenance subject to result of the decision of the competent court if an application for maintenance is filed by opposite party no.2

Considering the facts and circumstances of the case wherein the marriage in question had taken place 17-18 years ago and at this stage the dispute has arisen between the parties and now opposite party no.2 is looking for settlement and maintenance and at this stage the petitioner has offered to pay a sum of Rs.2,000/- to the petitioner towards her maintenance subject to final outcome of maintenance case if brought by the opposite party no.2 before the competent court of law, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties



of the like amount each to the satisfaction of learned S.D.J.M., Saharsa in connection with Complaint Case No.3901C of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

and further condition that in terms of his own offer the petitioner would pay a sum of Rs.2,000/- per month to opposite party no.2 in between 1st and 15th day of every month in the account of the opposite party no.2, failing which it will be open for the opposite party no.2 to file an application in the court below itself for cancellation of bail bond of the petitioner. The opposite party no.2 shall make available the details of her bank account to the petitioner in which amount shall be remitted



every month.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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