

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39250 of 2019**

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA PS District- East Champaran

Lal Babu Paswan, S/o Sakaldev Paswan, R/o village- Hasanpur, P.S.-
Kundwachainpur, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Rinki Kumari, D/o Paras Nath Hajra, R/o Village- Chandmari Akauna Ward
No. 26, P.S.- Motihari Town, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 19-12-2019 In this case it has been pointed out that earlier by mistake the order has been pronounced without any signature of the Court in the court file. As such, the order dated 01.10.2019 is recalled and reproduce order with some modification.

This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No.04 of 2019, disclosing offences under Sections 341, 323, 504, 506, 406, 498A, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per F.I.R. there is allegation against the petitioner of demand and subjecting her to torture and cruelty.

It appears that on appearance of the opposite party no. 2, the matter was referred to the Patna High Court Mediation & Reconciliation Center, vide order dated 02.07.2019 and



provisional bail was granted to the petitioner. However, the report of Mediator is available on record at Flag “P” which disclosed that on three dates, i.e., 29.07.2019, 09.08.2019 and 06.09.2019, the petitioner did not appear before the Mediator. As such, mediation failed.

Submission of the learned counsel for the petitioner is that petitioner is a Army Personnel and due to shortage of leaves, he cannot appear before the Mediator.

On the other hand, the opposite party no.2 has opposed the prayer for anticipatory bail of the petitioner on the ground that she has not paid any single penny towards maintenance by the petitioner, though this case has been filed on 11.02.2019.

It has been pointed out by the learned counsel for the petitioner that later on in the light of the order dated 16.11.2019 petitioner has not furnished the bail bonds and as such, he was not released on bail.

Having heard both sides, in view of the facts, as stated above, petitioner is directed to surrender within a period of six weeks from the date of receipt of certified copy of this order and on condition that if he is ready to pay Rs.7000/- per month to the opposite party no.2 till any order is passed by the Family



Court in maintenance case or in any other case to be filed by the parties, the petitioner, above named, shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana, Dhaka, East Champaran, in connection with Mahila P. S. Case No. 04 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

It is also made clear that failure to payment of maintenance continuously for three months, the bail bonds of the petitioner shall be cancelled.

With the above observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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