

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60836 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- MAHILA PS District- Khagaria

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Birendra Kumar Mehta @ Samso Son of Parsuram Mehta, Resident of
Village- Balhampur, Police Station- Simri Bakhtiarpur, Distt- Saharsa.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rinku Devi, D/o Babbujan Singh, Resident of Village- Telihar, P.S.- Beldaur,
Distt- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-04-2019 This is an application for grant of anticipatory bail in
connection with Khagaria (Mahila) P.S. Case No. 10 of 2018,
disclosing offences under Section 498(A) of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is of subjecting his
wife/opposite party no.2 to cruelty and harassment with respect to
demand and the petitioner has illicit relation with his Bhabhi and it
further appears that the matter was referred to the Mediation
Center vide order dated 29.11.2018 and the report of the Mediation
Center is available at Flag 'M', which shows that in spite of best
and sincere efforts, the dispute between the parties could not be
resolved through the process of mediation.

Submission of learned counsel for the petitioner is that
the allegation of having illicit relationship of the petitioner with



his Bhabhi is false and he is still ready to keep her.

Heard learned A.P.P. as well as learned counsel for opposite party no.2, they have opposed the prayer for anticipatory bail of the petitioner on the ground that he has illicit relation with his Bhabhi and further submission is that he is not paying a single penny to the opposite party no.2.

Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with a direction to the petitioner to surrender before the court below within a period of six weeks and on surrender he will be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of court concerned with the condition that he will pay Rs.2,000/-(Rupees Two Thousand) per month to the opposite party no.2 for a period of one year and in the meantime, the opposite party no.2 shall file a maintenance case before the Family Court, Khagaria, and the above order of maintenance amount shall be subject to the decision of any interim order or final order passed by the Family Court, Khagaria.

(Vinod Kumar Sinha, J)

Amjad/-

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