

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43193 of 2019**

Arising Out of PS. Case No.-878 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Mukesh Rishi @ Mukesh Kumar Son of Mittal Rishi Resident of Village-
Bandh Tola Bishanpur Mushari, P.O-Bishanpur, P.S.-Korha, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birani Devi D/o Umesh Rishi Resident of Village-Bandh Tola, Bishanpur,
P.O-Bishanpur, P.S-Korha, District-Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Mehta

For the Opposite Party/s : Mr.Ashok Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 19-02-2020 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered
for the offence punishable under sections 498(A)/323/504/34 of
the Indian Penal Code and sections 3/4 of the D.P. Act.

Earlier, vide order dated 11.09.2019, the matter was
sent to Mediation Centre for settlement of dispute between the
parties, but from perusal of Mediator's report dated 16.01.2020
(Flag 'M'), it appears that mediation has failed.

Learned counsel for the petitioner submits that at this
juncture, the petitioner is ready to give maintenance amount of
Rs. 3,500/- per month, starting from this month, to the Opposite
Party No.2.



In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3,500/- per month, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Complaint Case No. 878C of 2018 on the following conditions:-

1. Opposite party no.2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.
2. Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of opposite party no.2.
3. In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail-bond.
4. Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.
5. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at



liberty to move for cancellation of bail.

6. The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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