

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10657 of 2019

Arising Out of PS. Case No.-457 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Rajesh Kumar @ Rajesh Kumar Mandal Son of Sabari Mandal, Resident of
Village- Subhankar, P.S.- Kaluahi, Dist-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nikki Kumari Wife of Rajesh Kumar @ Rajesh Kumar Mandal, Resident of
Village- Subhankar, P.S.- Kaluahi, District- Madhubani.
At present daughter of Ram Kumar Mandal, Resident of Village- Hussaipur
Tole Grokhar, P.S.- Rahika, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 10-02-2021 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned counsel for the

State.

In this case, the petitioner is seeking anticipatory bail
in connection with C.R. Case No. 457 (CR)/2018 registered for
offence punishable under section 498(A) of the Indian Penal
Code and sections 3/4 of the Dowry Prohibition Act.

This Court had sent the matter to the Patna High Court
Mediation Centre for reconciliation of the dispute between the
parties, but the same could not be materialized. The opposite
party no. 2 herself came to this Court and as per her proposal,



she has three options. First, she wants to live with the petitioner and second, he must pay half of the salary to her having a male child and third he must pay Rs.50,000,00/- (fifty lakhs) to her for one time settlement.

Learned counsel for the petitioner submits that it is very difficult for the petitioner to accept the proposal given by the opposite party no. 2.

Looking to the facts and circumstance of the case, let the petitioner above named in event of arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Madhubani in connection with C.R. Case No. 457 (CR)/2018, subject to condition that the petitioner will pay Rs.20,000/- per month to the opposite party no. 2 by 7th of each month and it should be continued till the final disposal of the case or any civil litigation/any suit filed by the parties, in case of failure to make payment of Rs.20,000/- as indicated above, the relief granted to the petitioner will be treated to have been withdrawn and the police will be at liberty to take action against the petitioner which is available in law. The amount of Rs.20,000/- is being fixed to pay the opposite party no. 2 by 7th



of each month because the petitioner is getting salary of Rs.80,000/- per month as per the opposite party no. 2. The said amount should be transmitted to the account of the opposite party no. 2. The account of opposite party no.2 will be provided by the counsel for the opposite party no. 2 to the counsel for the petitioner so that the petitioner would able to comply the aforesaid order. Further condition is that one of the bailors of the petitioner shall be his close relative. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. In case of failure on two consecutive dates without any valid reason, the court below will have liberty to pass an order including cancel the bail bonds of the petitioner.

(Shivaji Pandey, J)

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