

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20419 of 2020

Arising Out of PS. Case No.-5216 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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TRIPURARI CHAUDHARY @ ROHIT CHAUDHARY Son of Ram Kumar Chaudhary Resident of G-3, La Italiano Apartment, Veer Kunwar Singh Colony, Hinoo Chowk, Airport Road, Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Panna @ Pann Chaudhary Wife of Tripurari Chaudhary Resident of G-3 La Italiano Apartment, Veer Kunwar Singh Colony, Hinoo Chowk, Airport Road, Ranchi (Jharkhand). At present- Panna Chaudhary, Daughter of - Nagendra Kumar, Resident of Patel Nagar, Road No. 10, Flat No. 402, Maya Enclave, P.S.- Shashtri Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP
For the O.P. No. 2:	:	Mr. Sanjeev Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

12 13-09-2021 Heard Mr. Ranjit Kumar Pandey, learned counsel

for the petitioner and Mr. Sanjeev Kumar, learned counsel

for the complainant / opposite party no. 2. The State is

represented by Mr. R.B. Roy Raman, learned APP.

The petitioner, who is the husband of the complainant / opposite party no. 2 seeks bail in anticipation of his arrest in connection with Complaint Case No. 5216 of 2017, in which cognizance has been taken under Section 498(A) of the Indian Penal Code.



The learned counsel for the petitioner has submitted that whatever may be the dispute with his spouse, he is ready for negotiations either for restitution of conjugal rights or for a one time settlement.

The aforesaid proposal is acceptable to the learned counsel for the opposite party no. 2 with the caveat that the petitioner must pay the maintenance amount fixed by the court below at the rate of Rs. 30,000 per month.

The learned counsel for the petitioner has submitted that order for maintenance has been passed ex-parte, which has been challenged by him before this Court. It is expected that the matter shall be taken up in usual course. He further submits that in anticipation of an interference by this Court against the ex-parte order, the petitioner in his wisdom has decided to make payment of Rs. 10,000/- per month till the time a final order is passed and has also made payment of such maintenance amount till the month of August 2021. It has further been submitted that a distress warrant had been issued against him for non payment of certain amount. The aforesaid amount has



already been paid.

Considering this aspect of the matter, this Court deems it appropriate to and directs the court below that in case the petitioner surrenders before him, he shall be released on provisional bail on his furnishing bonds in the sum of Rs. 10,000/- with two sureties of like amount. Simultaneously, the opposite party no. 2 shall also be noticed and on her appearance, effort shall be made by the court below to provide conducive atmosphere for effective negotiations between the spouses.

In case the dispute is settled, necessary orders shall be passed confirming the provisional bail of the petitioner.

In case the court below finds that the stand of either the petitioner or the opposite party no. 2 is rigid and unreasonable, that shall also be taken into account before passing final order with respect to confirmation of the provisional bail of the petitioner.

It is expected that the petitioner shall continue to pay the amount of maintenance. Should he stop doing so,



the bail granted to the petitioner would be rendered liable to be cancelled. In that event, it would be open for the opposite party no. 2 to move before the court below for cancellation of his bail and the court below in such circumstances shall proceed in the matter forthwith.

The application stands disposed of accordingly.

(Ashutosh Kumar, J)

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