

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17280 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- MAHILA PS District- Gopalganj

MANGESH KRIPALANI Son of Rajendra Ram Resident of village-
Mahecha, P.S.- Uchkagawn, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Saroj Devi Wife of Mangesh Kripelani, D/O Jagan Ram Resident of village-
Manikpur, P.S. and Distt- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amir Alam, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the O.P. No. 2	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

14 10-08-2021 Heard Mr. Amir Alam, learned Advocate for the petitioner and Mr. Ranjeet Kumar Pandey for the opposite party no. 2. The State is represented by Mr. Yogendra Kumar, learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Gopalganj Mahila P.S. Case No. 34 of 2018 dated 10.11.2018 instituted for the offences under Sections 498A and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

It appears from the orders passed by this Court that the petitioner was ready to pay Rs. 3 lakhs towards full and final settlement of all the matrimonial dues of opposite party no. 2. This offer was acceptable to the



opposite party no. 2.

As assured by the petitioner, an amount of Rs. 3 lakhs was deposited by way of different drafts, but the draft of Rs. 10,000/- only could be encashed whereas the draft of Rs. 2,90,000/- could not be encashed because of entries in those drafts being faint and illegible. Those drafts were thereafter returned to the petitioner by this Court for getting it revalidated or for getting fresh draft/or cheque issued.

It appears that thereafter, because of the Pandemic closure, the case could not be listed.

The balance of the agreed amount (Rs. 2,90,000/-) has not been paid as yet.

The learned counsel for the petitioner has submitted that he has in his possession, a cheque of Rs. 2,90,000/-.

That cheque must have been issued sometimes in the past and therefore in order to avoid any future delay in encashment of such cheque, this Court deems it appropriate to direct the petitioner to obtain a draft of Rs. 2,90,000/- in the name of opposite party no. 2 and deposit it before the court below. The petitioner along with aforesaid draft shall present himself before the court below within a period of six weeks of the passing of this order, when he would be released on provisional



bail and the opposite party no. 2 shall be noticed.

On the appearance of opposite party no. 2, the aforesaid draft would be handed over to her and thereafter the provisional bail of the petitioner shall be confirmed. In case the petitioner does not follow the timeline for depositing the draft and his appearance before the court below, this order shall not be given effect to.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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