

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17546 of 2020

Arising Out of PS. Case No.-308 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Arvind Mandal, age 37 years, Male, Son of Sachidanand Mandal Resident of
Village - Aammapur, P.S.- Kahalgaon, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Komal Kumari W/o Arvind Mandal, D/o Chulhai Prasad Mandal Resident of
Village - Bansipur, P.S.- Kahalgaon, Distt.- Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Pravina Kumari, Advocate
For the State	:	Mr.Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Ritesh Kumar, Advocate
		Mr. Abhinay Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 11-01-2021 Heard learned counsel for the petitioner, Learned
counsel for the Opposite Party no. 2 and learned A.P.P. for the
State.

Petitioner, in the present case, is seeking pre-arrest bail
in connection with Complaint Case (Bhagalpur) No. 308/2018
registered for the offence under Section 498A of the Indian Penal
Code and 4 of Dowry Prohibition Act.

Pursuant to the order dated 16.12.2020 and 18.12.2020
passed by this Court. Both the parties are also present physically
before this Court.

After a brief interaction between the parties in presence
of their learned counsel, this Court called upon them to have a
meeting separately in presence of their learned counsel outside the



court and in case they reached to some amicable resolution of dispute the same may be informed to this Court.

After some brief discussion, learned counsel for opposite party no. 2 in presence of learned counsel for the petitioner as also in presence of parties informed this Court that at present the relationship is such that the opposite party no. 2 would not like to go with the petitioner. Learned counsel however further submits that the opposite party no.2 would not oppose the prayer for anticipatory bail of the petitioner, but considering that the opposite party no. 2 and her minor son have to spend some substantial amount for their livelihood and for purpose of study of the minor son, the petitioner should pay at least a sum of Rs. 10,000/- per month for the present, subject to any appropriate proceeding and order in accordance with law.

The petitioner, who is present in person, submits that he is ready to pay a sum of Rs. 10,000/- per month in the interest of the O.P. No. 2 as well as his minor son, he has however complained that he is not being allowed to meet his son and his son is being tutored against him.

Opposite Party No. 2 submit that she is not opposing to meeting of the petitioner with the minor son and for this purpose if he visits in the school premises, subject to permission of the Principal of the School on a suitable date and time, and meets his



son inside the School Premises, for the present, she has no objection.

Considering the kind of submission made before this Court, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with Complaint Case (Bhagalpur) No. 308/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

Further condition that in terms of his own undertaking he will pay a sum of Rs. 10,000/- per month towards maintenance and study of the Opposite Party No. 2 and her minor son, subject



however to an appropriate proceeding in accordance with law.

Let the said amount of Rs. 10,000/- per month be remitted to opposite party no. 2 in her account every month by 7th day of the month.

Further, in view of the stand taken by opposite party no. 2, if the petitioner visits the school of his son for purpose of brief meeting inside the school premises on a suitable date and time which will be fixed by the Principal of the School, opposite party no.2 shall not object to the same, again this would be subject to an appropriate order which may be passed in an appropriate proceeding by the competent court in future.

Let it be recorded that this Court has been informed by learned counsel for the petitioner that petitioner has transferred the payment of Rs. 3000/- per month till the current month in the account of the informant – Opposite Party No. 2.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

