

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26011 of 2020

Arising Out of PS. Case No.-1030 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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BIPIN KUMAR @ BIPIN RAI S/o Ram Suresh Rai @ Sri Suresh Rai
Resident of Village-Ganiyari, Police Station-Mahnar, District-Vaishali.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Juli Devi Wife of Bipin Kumar @ Bipin Rai at present resident of village-
Terasiya Police Station-Ganga Bridge, District-Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur,Advocate
For the State	:	Mr.Mritunjay Kumar Gautam, APP
For the O.P. No. 2	:	Mr.Manish Chandra Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-01-2021 Heard learned counsel for the petitioner, learned counsel
representing complainant-O.P. No. 2 and and Mr. Mritunjay Kumar
Gautam, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Complaint Case No. 1030 of 2018 registered for
the offence punishable under Section 498(A) of the Indian Penal
Code.

Earlier notice was issued to the complainant-O.P. No. 2
and she is now being represented through a lawyer. In course of his
submissions, learned counsel for O.P. No. 2 submits that in fact the
marriage between the parties have trubulent that there is no chance
of reconciliation.

It is further submitted that by way of an effort the
mediation center attached to the learned court below may be utilised



by the parties for finding out a resolution.

Learned counsel for the petitioner submits that he is ready and willing to keep the O.P. No. 2 as his lawful wedded wife with full dignity and care but in case O.P. No. 2 is not willing to stay with him, at this stage he would himself offer to pay a sum of Rs.2,000/- per month to take care of her day-to-day expenses. It is submitted that the petitioner would also participate in the mediation centre, if any, initiated in the learned court below.

Learned counsel for O.P. No. 2 agrees that the matter may be resolved for one time settlement in the facts and circumstances of the case.

Having regard to the facts and circumstances of the case and in the nature of the dispute between the parties as also the submissions advanced at the bar, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 1030 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vaishali at Hajipur, 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.

And further condition that in terms of his own undertaking the petitioner shall pay Rs.2,000/- per month to O.P. No. 2 subject to the result of any appropriate proceeding in this regard. Such payment will be made to O.P. No. 2 by 7th day of every month either in her account or by depositing the same in the learned court below which will be allowed to be withdrawn by O.P. No. 2.

In view of the submissions at the bar the learned court below shall send this matter for mediation between the parties where they can come out with some resolution of disputes amicably.

Let such mediation take place within a period of three months from the date of receipt/production of the present order.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

