

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28594 of 2020**

Arising Out of PS. Case No.-836 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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GAURAV KUMAR Son of Anil Mistri Resident of Village - Barhiya, P.S.-
Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ritu Kumari Wife of Gaurav Kumar Resident of Village - Barhiya, P.S.-
Sarmera, District - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap, Adv.
For the State	:	Mr.Akhileshwar Dayal, APP
For the O.P.No.2.	:	Mr. Arun, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 12-04-2021 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint Case No.836 of 2018 registered
for the offences punishable under Section 498(A) of the Indian
Penal Code.

Learned counsel for the petitioner as well as learned
counsel for the opposite party no.2 are unanimous in their
approach that both the parties are required to sit together, discuss
their issues and enter into one time settlement. Learned counsel for
the petitioner has on his own volition offered to pay Rs.3,000/-
per month for the present to take care of opposite party no.2 and
the minor daughter who is living with the opposite party no.2. This



offer is being made as a matter of good gesture leaving it open for the opposite party no.2 to seek her remedy to get an appropriate amount of maintenance by order of a competent court of law.

Learned counsel for the opposite party no.2 accepts the offer subject to such remedy which are available to opposite party no.2 to seek an appropriate amount towards maintenance.

In the aforesaid view of the matter, 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.836 of 2018 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna, 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 offer which has been accepted by learned counsel for the opposite party no.2 the petitioner shall continue to deposit a sum of Rs.3,000/- per month by 7th day of every month either in the account of the opposite party no.2 or through any other mode of payment but in no case he would commit default. This shall be subject to the remedy which are available to the opposite party no.2 to seek an appropriate amount of maintenance.

In case of violation of the above condition, the O.P. No. 2 may bring it to the notice of this Court.

As agreed by the parties, both of them shall explore the possibilities to enter into one time settlement. For this purpose, the learned court below shall refer the records of this case to the mediation centre attached to the court, within a period of six weeks from today and all endeavours shall be made to get the mediator's report within a reasonable time.

This 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'.

