

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38014 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- PANAPUR District- Saran

RAMESH MAHTO, Son of Late Gyanchand Mahto, Resident of Village -
Basahiya, P.S.- Panapur, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Kanchan Kumari, Advocate
For the Opposite Party/s:		Ms. Pushpa Sinha, Advocate
For the Informant	:	Mr. Dr. Alok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 26-04-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel representing the informant-op-
posite party no.2.

The petitioner in the present is seeking regular bail in
connection with Panapur P.S. Case No. 04 of 2020 registered for
the offences punishable under Sections 341, 323, 498(A), 504 of
the Indian Penal Code.

Earlier after hearing learned counsel for the petitioner
and learned counsel for the informant-opposite party no. 2, this
Court vide its order dated 31.01.2022 granted provisional bail to
the petitioner on the condition mentioned in the said order. The
order dated 31.01.2022 is being reproduced hereunder for a
ready reference:-



“Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Panapar P.S. Case No. 04 of 2020 registered for the offences punishable under Sections 341, 323, 498(A), 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the present case arises out of a matrimonial dispute between the petitioner and the informant. Marriage between the parties was solemnised on 03.01.2012. It is further submitted that though in Complaint Case No. 2945 of 2014 which was preferred by the present informant, process under Sections 82 and 83 of the Cr.P.C was exhausted but in the said case the petitioner had been granted bail. It is further submitted that the petitioner took various attempts to reconcile the disputes and amicably resolve the same with the informant but he failed to develop good relationship with the informant.

Learned counsel submits that a competent court has awarded a maintenance of Rs.10,000/- per month in favour of the informant which the petitioner was paying regularly prior to going into the judicial custody in connection with this case since 09.04.2021.



Learned counsel submits on instruction that as soon as the petitioner is released on bail, he will pay the outstanding amount on account of maintenance to the informant in 3 equal monthly installments.

Learned counsel for the informant has opposed the prayer for bail of the petitioner. It is his submission that the petitioner is not a law-abiding citizen. He is a software engineer and was working at Pune and Bangalore earlier. Learned counsel submits that he was declared absconder in Complainant Case No. 2945 of 2014 in which he was earlier granted provisional bail on certain conditions but he failed to fulfill those conditions. Learned counsel submits that the petitioner has been living with another lady and these facts have come in the impugned order passed by learned 4th Additional Sessions Judge, Saran. It is his further submission that the informant is still ready and willing to live with the petitioner provided the petitioner keeps her with full dignity and care.

Learned APP for the State has also opposed the prayer for bail of the petitioner.

Taking into consideration that the petitioner is a software engineer and in the first case lodged by this very informant he is said to be on bail and was paying the maintenance amount prior to going into the custody, for the present this Court directs release of the petitioner above named on provisional bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Panapar



P.S. Case No. 04 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that in terms of the undertaking given before this Court by his lawyer, the petitioner shall pay the entire outstanding amount of maintenance in three equal monthly installments beginning from the month of March 2022. Such installments shall be paid within first seven days of the month. Failure to abide by this condition in terms of his own undertaking would be taken as breach of the condition and the court below shall take appropriate steps to cancel the bail bond of the petitioner.

In the meantime, let this record be sent to the Mediation Centre attached to this Court for taking an effort to find out an amicable resolution of the dispute between the parties. The Mediation Centre attached to this Court shall fix a date immediately after it starts functioning either in physical or in virtual mode and necessary steps in this regard shall be taken at the earliest opportunity.

Both the parties are expected to cooperate in the mediation proceeding. A report as regards the result of the mediation shall be submitted to this Court within two months from the date of the Communication of this order.

List this case on 30th March, 2022."

It appears that the mediation proceeding which was undertaken at the Mediation Centre attached to this Court has



failed. By this time, the petitioner has paid two installments of Rs. 30,000/- each to the informant and learned counsel for the petitioner submits that the third installment would be paid by 7th of May, 2022. He has said so on instruction from the petitioner.

Learned counsel for the informant-opposite party no. 2 submits that the petitioner is not paying the current maintenance. At this stage, learned counsel for the petitioner submits that the petitioner would abide by the order passed by the learned competent court on account of maintenance and whatever will be the current amount of maintenance, the same shall also be paid on time.

Learned counsel for the informant-opposite party no. 2, however, submits that this application be disposed of after 7th of May, 2022 when the third installment of the petitioner would become due and the same shall be paid to opposite party no. 2.

Having heard learned counsel for the petitioner and learned counsel for the informant-opposite party no. 2, this Court at this stage finds no reason to keep the matter pending. Learned counsel for the petitioner has also reiterated the undertaking that the third installment will be paid by 7th of May, 2022 and the current amount of maintenance shall also be paid on time as per the order of learned competent court.



In the aforesaid view of the matter, the provisional bail granted to the petitioner is hereby confirmed. Let the petitioner remain on the same bail bond.

It is made clear that in case of breach of undertaking given by the petitioner, it would be open for the informant-opposite party no. 2 to file an appropriate application in the learned court below for passing an order including an order for cancellation of bail bond for non observance of the condition of the bail order. If such application will be filed on behalf of the informant-opposite party no. 2, the same shall be considered by learned court below within a reasonable time in accordance with law.

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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

