

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51302 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- MAHILA District- Munger

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BINAY KUMAR SON OF SRI KRISHNADEO TANTI VILLAGE AND P. O
SHIVPUR LONGAY, P.S.- KHARAGPUR, DISTRICT- MUNGER.

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANDRIKA KUMARI D/O RAVINDRA KUMAR GUPTA W/O BINAY KUMAR, RESIDENT OF VILLAGE- SHIVPUR LONGAY, P.S.- KHAGAGPUR, DISTRICT- MUNGER

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jainandra Kumar, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The case relates to a matrimonial dispute between the
husband and wife.

At the outset, learned counsel appearing for the parties
submits that the parties are ready to settle their dispute by way
of mediation, therefore, the matter may be referred to the District
Mediation and Conciliation Center, Munger.

In view of the submission, let the matter be referred to
the District Mediation and Conciliation Center, Munger. Both the
parties are directed to appear before the District Mediation and
Conciliation Center, Munger on 12.12.2022.

It is expected that the learned Mediator shall make all



possible efforts in order to explore the possibility of settlement of the dispute between the parties and submit a report to concerned court below within a period of three months from the date of this order.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of arrest of surrender before the court below within a period of four weeks from the date of order, be **provisionally released on anticipatory bail** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahila P.S. Case No. 40 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage,



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

It is to take note that the learned court below shall confirm the bail bonds of the petitioner after disposal of the mediation proceeding and if the mediation fails at the instance of the petitioner especially in case of non-cooperation, the court below shall proceed to cancel the bail bonds of the petitioner.

Accordingly, this application stands disposed of.

(Rajesh Kumar Verma, J)

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