

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7117 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- DAUDNAGAR District- Aurangabad

MITHILESH KUMAR @ MITHILESH GUPTA @ MIT S/o Late Nirmal Prasad @ Nirmal Kumar R/o - A/P- Gola Road, In front of ICICI Chauk, P.S.- Rupaspur, Distt- Patna (wrong), Permanent Address- M.G.- 496, Azad Nagar, Pathakhera, P.S.- Pathakhera, Distt- Betul, Madhya Pradesh- 460449.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Ravindra Kumar, Advocate
For the State	:	Mr.Manoj Kumar, APP
For the Informant	:	Mr.Vyas Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 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 pre-arrest bail in connection with Daudnagar P.S. Case No. 266 of 2022 registered for the offences punishable under Sections 341, 323, 498A, 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act. He has no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that the petitioner and the opposite party no. 2 had solemnized marriage on 29.11.2021 but thereafter they have fallen out and the matrimonial relationship has suffered for various factors. It is



his submission that in the present circumstance perhaps reunion may not be possible. Learned counsel, however, submits that in order to show his bonafides, he is ready to pay on his own for the present a sum of Rs. 5000/- per month to the opposite party no. 2 for her maintenance.

Learned counsel for the opposite party no. 2 submits that an effort may be taken at appropriate level for mediation because the opposite party no. 2 wants to live with the petitioner.

Having regard to the facts and circumstances of the case, the nature of the dispute and the submissions made before this Court, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-cum- Judge-in-Charge, Aurangabad in connection with Daudnagar P.S. Case No. 266 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further condition that in terms of his own statements the petitioner shall make payment of Rs. 5000/- per month for the present to opposite party no. 2 subject to any other and



further orders passed by a competent court in this regard. Such payment shall be made available to the opposite party no. 2 within 10th day of every months in her account, failing which it will be open for the opposite party no. 2 to file an appropriate application for cancellation of bail bond of the petitioner.

Opposite party No. 2 shall furnish her bank account to the petitioner as early as possible.

This Court further directs the learned court below to refer the dispute to the mediation cell attached to the Civil Court at Aurangabad to take efforts for amicable settlement of dispute between the parties. On such reference being made, efforts shall be taken towards amicable resolution of dispute between the parties.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

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