

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14420 of 2023

Arising Out of PS. Case No.-847 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

Prakash Narayan Jaiswal S/O Vishwanath Prasad Jaiswal, R/v- Bhojpur,
Parao, Chandauli, P.O.- Katesar, P.S.- Chandauli, District- Chandauli,
Mugalsarai (Uttar Pradesh) Petitioner

Versus

1. The State of Bihar.
2. Kumari Anjali @ Anjali Jaiswal W/O Prakash Narayan Jaiswal D/O Vijay
Kumar Jaiswal R/v- Bhojpur, Parao, Chandauli, P.O.- Katesar, P.S.-
Chandauli, District- Chandauli, Mugalsarai (Uttar Pradesh) At present R/v-
Kagazi Mohalla, P.O.- Danapur Cantt, P.S.- Danapur, District- Patna
... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the O.P. No. 2	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner, learned counsel

for the complainant-opposite party no. 2 and learned APP for the

State.

Petitioner in the present case is seeking pre-arrest bail in
connection with Complaint Case No. 847C/2018 in which
cognizance has been taken for the offences under Section 498A of
the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
He has no criminal antecedent.

The marriage between the petitioner and the opposite
party no. 2 was solemnized on 28.02.2017 but it appears that the
matrimonial relationship has not gone well and now the parties
have fallen out. In course of submissions, learned counsel for the
petitioner as well as the Opposite Party No. 2 submit that for the



present, it looks difficult for them to live together, however, they are willing to undergo a mediation process.

Learned counsel for the petitioner has at this stage offered to pay a sum of Rs.3,000/- per month to the O.P. No. 2 towards her maintenance subject to such other order which may be passed in the pending Maintenance Case No. 372 (M)/2018 or in terms of an agreement which may be reached in the mediation center.

Learned counsel for the Opposite Party No. 2 has though opposed the prayer for anticipatory bail but he does not dispute that in present circumstance when the petitioner and the Opposite Party No. 2 are not living together and till the mediation process is initiated and the matter is resolved amicably, the Opposite Party No. 2 shall be satisfied with a sum of Rs.3,000/- subject to the order of the competent court.

Having regard to the facts and circumstances of the case, this being a case of matrimonial dispute, let in case of his arrest or surrender within a period of four weeks from today, the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) in connection with Complaint Case No. 847C of 2018 with two sureties of the like amount each to the satisfaction of learned SDJM, Danapur, Patna, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.

And further condition that in terms of his own offer and undertaking given before this court, the petitioner will pay a sum of Rs.3,000/- per month payable by 10th of every month to the Opposite Party No. 2 subject to any other order which may be passed by the competent in Maintenance Case No. 372(M)/2018 or as may be agreed between the parties in course of mediation. He will start making payment from the month of May.

This Court further directs the learned court below to send the records to the mediation center attached to the civil court for taking efforts towards amicable settlement of the dispute between the parties.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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