

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26043 of 2022

Arising Out of PS. Case No.-74 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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SANJAY YADAV S/o Bihari Yadav R/o Village-Mansadih, P.S.- Barachatti,
District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi D/o Ramjeet Yadav R/o village- Nimiyatand, P.S.- Dobhi,
District- Gaya. At present Address- W/o Sanjay Yadav, R/o village-
Mansadih, P.S.- Barachatti, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Jubair Ansari,Adv.
For the State	:	Mr. Lalan Kumar, APP
For the informant	;	Mr.Shivendra Prasad,Adv. Mr.Mukesh Kumar,Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-01-2023 Heard the learned counsel for the

petitioner and the learned APP for the State as also

learned counsel for the informant.

The petitioner seeks regular bail in
connection with Complaint Case No.74 of 2019 for
the offences under Sections 148, 323, 498A, 464,
420, 315, 376/34 of the Indian Penal Code.

The complainant is stated to have
solemnized marriage with the petitioner in the
year 2014 and at the time of marriage, the
parents of the complainant had given cash
amount of Rs.4 lacs, ornaments and other



household articles. It is alleged that after the complainant had gone to her matrimonial home, the petitioner and his family members started torturing the complainant on account of non-fulfillment of demand of motorcycle and, then, had ousted her from the matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 17.12.2021, and, in fact, he was granted the privilege of provisional anticipatory bail for three months by the Additional District and Sessions Judge-X, Gaya, vide order dated 14.09.2020 on the condition that the petitioner shall keep his wife with full honour and dignity, maintain her properly and pay subsistence allowance to the tune of Rs.3,500/-, per month, failing which the bail bonds would be cancelled. It is submitted by the learned counsel for the petitioner that the petitioner is now ready to pay the aforesaid sum of Rs.3,500/- per month, right from the day of



passing of the aforesaid order dated 14.09.2020 till date, as also on monthly basis, thereafter. It is further submitted that the arrears of maintenance amount totals up to a sum of Rs.98,000/-, which the petitioner is ready to deposit prior to grant of privilege of bail.

Per contra, the learned for the informant has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record. It is apparent from the impugned order dated 05.03.2022, that despite the petitioner having been granted the privilege of provisional anticipatory bail vide order dated 14.09.2020, passed by the learned court below, he did not deliberately furnish bail bonds, inasmuch as he did not have any intention to comply with the conditions imposed upon him for the purposes of grant of provisional anticipatory bail, hence, the learned court below, vide order dated 10.03.2021, had revoked the



privilege of provisional anticipatory bail granted to the petitioner, which was challenged by the petitioner before the Hon'ble High Court, by filing a petition bearing Criminal Miscellaneous No. 2081 of 2021, however, the same had stood dismissed. This Court also finds that the learned Court of Additional Sessions Judge-X, Gaya, vide order dated 05.03.2022 has come to a finding that the petitioner had deliberately disobeyed the orders of the Court and had mislead the Court by undertaking that he will keep his wife with full honour and dignity, however neither he did so nor he had any such intention, thus, the bail petition of the petitioner has been rejected by the impugned order dated 05.03.2022.

Having regard to the aforesaid facts and circumstances, this Court is of the view that since the petitioner is ready to pay a sum of Rs.98,000/- and is also willing to deposit a sum of Rs.3,500/- per month with the Nazarat of the learned Civil Court, Sherghati, Gaya, so that the same can be paid to the complainant, a chance



can be given to the petitioner to mend his ways and participate in the mediation process, with a view to settle the matrimonial disputes, which have arisen amongst the parties, amicably.

Accordingly, the present petition stands disposed off with liberty to the petitioner to deposit a sum of Rs.98,000/- with the Nazarat of learned Civil Court, Sherghati, Gaya and upon showing the proof of deposit of the said amount, the petitioner shall be granted provisional bail by the learned Court of Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Complaint Case No. 74 of 2019, subject to such conditions as may be deemed fit and proper to be imposed. It is further directed that the petitioner shall go on depositing a sum of Rs.3,500/- per month with the Nazarat of the Civil Court, Sherghati, Gaya on 1st of every month and upon the complainant making appropriate application for withdrawal of the said amount as also the aforesaid amount of Rs.98,000/-, the learned Court below shall disburse the amount in



favour of the complainant, upon proper verification and subject to such conditions as he may deem fit and proper to impose upon the complainant.

It is further directed that the learned Court below shall engage the petitioner and the complainant in mediation proceedings with a view to settle the matrimonial disputes amicably, whereupon, the learned court below shall take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to the final outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the earlier dismissal of his bail petitions.

Accordingly, the present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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