

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47346 of 2023

Arising Out of PS. Case No.-450 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Nikesh Ray @ Nikesh Kumar Ray, S/o Ram Babu Ray R/o Village- Basuara
P.S. Madhubani Town Dist.Madhubani

... .. Petitioner

Versus

1. The State of Bihar.
2. Jyoti Devi W/o Nikesh Ray, D/o Dev Narayan Mandal R/o Village- Bhachhi
P.S. Madhubani Town Dist. Madhubani

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner in the present case is the husband
of O.P. No. 2 and is seeking pre-arrest bail in connection
with C.R. No. 450 of 2022 registered for the offences
punishable under Sections 323, 498(A)/34 of the Indian
Penal Code. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that
the marriage between the petitioner and O.P. No. 2 was a
love marriage which was solemnized in the year 2013. They
have two children aged about 10 years and 7 years
respectively at this stage.



4. It is submitted that the O.P. No. 2 had herself filed a divorce petition giving rise to Matrimonial Case No. 84 of 2022 in the court of learned Principal Judge Family Court, Madhubani. She runs a beauty parlour as claimed by her in the divorce petition filed before the learned Family Court.

5. At this stage, it is being alleged that the petitioner has thrown her out of the matrimonial house, however, the stand of the petitioner is that the complainant roams around on a bike with a person, even after objection raised by the petitioner she was not ready to leave the said person. In Paragraph '11' of the application it is stated that for the welfare of the children, the petitioner is ready to keep her with full dignity and honor provided she agrees to leave the company of that another person whose name is in disclosed in the petition but this Court is not mentioning the the same purposely.

6. Learned APP for the State and learned counsel for the complainant have opposed the prayer for anticipatory bail of the petitioner.

7. Learned counsel for the complainant submits



that the complainant is ready to live with the petitioner and for that purpose the matter may be settled at mediation centre.

8. Having regard to the facts and circumstances of the case, taking note of the stand of the parties, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with C.R. No. 450 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And this Court would further observe that the learned court below while accepting the bail bond of the petitioner shall send the records to the mediation centre attached to the District Court where steps shall be taken to resolve the matrimonial dispute between the parties in their best interest and in the interest of the children. The complainant and the petitioner both shall cooperate by attending the mediation on the next date.



10. 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.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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