

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12847 of 2023
In
CRIMINAL MISCELLANEOUS No.82420 of 2019

Arising Out of PS. Case No.-22 Year-2016 Thana- MAHILA P.S. District- Rohtas

Wakil Sah S/O Kashi Sah R/v- Karama (Karma), P.S.- Sheosagar (Baddi),
District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rinku Devi W/O Wakil Sah D/O Raj Kumar Sah R/o- Ward No. 10, Village
and P.S.- Kochas, district- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-03-2023 Heard the parties.

This application has been filed for modification of the
order dated 25.10.2021 passed in Cr. Misc. No. 82420 of 2019
by which the Hon'ble Court has granted provisional bail to the
petitioner.

The following order was passed on 25.10.2021 in
Criminal Misc. No. 82420 of 2019:-

*“Heard Mr. Vikram Deo Singh assisted by
learned counsel for the petitioner and learned Mrs.
Sangeeta Sharma, APP for the State.*

*Pursuant to the order dated 12.12.2019 notice
was issued to opposite party no. 2 but no one appears on
her behalf.*

*It is submitted by Mr. Vikram Deo Singh,
learned counsel for the petitioner that the petitioner is*



ready for mediation. To show his bona fide and as a good gesture, petitioner offers to pay maintenance amount of Rs.3000/- (Rupees three thousand) per month to the opposite party no.1 starting from October, 2021.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on provisional bail till conclusion of the mediation proceeding, on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-III, Rohtas at Sasaram in connection with Mahila P.S. Case No. 22 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

In the facts and circumstances of the case, the matter is remitted back to the Mediation Centre, Civil Court, Rohtas at Sasaram where the Mediator will try to sort out the differences so that the dispute is resolved between the parties amicably. The petitioner will continue to pay maintenance amount of Rs.3000/- by 7th day of every month during the pendency of the mediation proceeding and opposite party no. 2 shall share the bank account details to learned counsel for the petitioner in the court below so that the amount may be credited to the account of opposite party no. 2, as directed above. In case of default in payment of installment of maintenance, bail bond of the petitioner shall stand cancelled.

With the aforesaid observations and directions, the anticipatory bail petition stands disposed of.

Thereafter, the Opposite Party No. 02 has not appeared in the mediation proceeding held at Sasaram which is clear from Annexure II of the application.

Learned counsel for the petitioner submits that he is paying Rs. 3000/- per month to the Opposite Party No. 02 and therefore, she is not appearing in the mediation proceeding.

Considering the above submissions of the learned counsel for the petitioner and the law laid down by the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273, this application is allowed.



Accordingly the interim bail granted to the petitioner is hereby confirmed. He will remain on the same bail bonds.

If the O.P. No. 2 the wife does not co-operate in the criminal Case for another six months then the maintenance amount being paid by the petitioner shall be stopped.

(Sandeep Kumar, J)

Vikas/Shishir

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