

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68398 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- MAHILA THANA District- Begusarai

Balkrishna Prasad, son of Late Mishrilal Prasad, Resident of Village- Kathra Ward No-11, Putai P.S.- Manigachhi, Dist- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar
2. Khushboo Kumari, Daughter of Mahendra Chaurasia, Resident of Village- Sanha East, P.O. Sanha West, P.S. Sahebpur Kamal, District-Begusarai

... .. Opposite Parties

Appearance :

For the Petitioner	:	Ms. Usha Kumari Singh, Advocate Ms. Sunidi Vimal, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP
For the O.P. No. 2	:	Mr. Sandeep Kumar Gautam, Advocate Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 The informant has entered appearance on her own. Let her be added as Opposite Party No. 2 in course of the day.

2. Heard learned counsel for the petitioner, learned counsel for the informant-O.P. No. 2 and learned APP for the State.

3. The petitioner in the present case is seeking pre-arrest bail in connection with Mahila (Begusarai) P.S. Case No. 17 of 2023 registered for the offences punishable under Sections 341, 323, 498A, 504, 506 of the Indian Penal Code. The petitioner has got no criminal antecedent.

4. It appears that both the parties were married in the year 2014 and they have got two sons from their wedlock. The



present dispute has arisen on account of certain matrimonial discord.

5. Learned counsel for the informant submits that because of the erratic behaviour of the petitioner, the informant and the two children are not willing to live with him at this stage unless an amicable resolution is reached at.

6. At this stage, learned counsel for the petitioner submits that in order to show his bonafides, the petitioner who is a Government Teacher is ready to pay a consolidated amount of Rs.15,000/- per month i.e. Rs.5,000/- to each of the three dependents in order to enable them to maintain themselves and take care of the studies of the children. Such amount shall be deposited every month within first fifteen days in the account of the Opposite Party No. 2.

7. Learned counsel for the Opposite Party No. 2 submits that in such circumstance, considering the bonafide which is being shown by the petitioner at this stage, she would not oppose the prayer for anticipatory bail of the petitioner, however, the petitioner must continue to abide by his promise.

8. Having regard to the kind of submissions and the stand of the parties at this stage, this Court directs that in case of his arrest or surrender within a period of six weeks from today,



the petitioner above named be released on bail in connection with Mahila (Begusarai) P.S. Case No. 17 of 2023 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 S.D.J.M., Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that in terms of his own offer, the petitioner shall continue to pay Rs.15,000/- per month for the present in the account of the Opposite Party No. 2 every month within first fifteen days for her and her two children for the present, subject to any other order which may be passed by a competent court in an appropriate proceeding. If the petitioner fails to abide by this condition, it will be open to the Opposite Party No. 2 to move an application seeking cancellation of bail bond of the petitioner.

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 Court has been informed that the Maintenance Case No. 12 of 2023 is pending in the court of learned Principal Judge, Family Court, Begusarai. Learned Principal Judge, Begusarai shall take appropriate efforts to refer the matter to the Mediation Centre attached to the Court where steps shall be taken to resolve the dispute between the parties.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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