

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4235 of 2024

Arising Out of PS. Case No.-721 Year-2022 Thana- PATLIPUTRA District- Patna

BHAWANI KUMAR S/O SRI SURESH TIWARI R/O VILLAGE- BASRA,
P.O- PANWARI, P.S- SIKARAHTTA, DISTT.- BHOJPUR, BIHAR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ARCHANA RAI W/O BHAWANI KUMAR, D/O SHIV SHANKAR RAI
R/O KABIR MARKET, NEAR LOYALA SCHOOL, P.S- PATLIPUTRA,
DISTT.- PATNA, BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwari, Advocate Mr.Radhe Shyam Kumar, Advocate
For the Opposite Party/s :		Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard learned Counsel for the petitioner, learned
APP for the State as also the informant.

2. The petitioner apprehends his arrest in connection with Patliputra P.S. Case No. 721 of 2022 for the offence registered under sections 341, 323, 494, 498(A)/34 lodged on 01.11.2022 by the informant Archana Ray.

3. As per the prosecution story, the informant alleged that she got married to the petitioner in the year 2009 as per the Hindu rites but was always subjected to cruelty. Subsequently, without divorcing her, he married another girl on 27.11.2021 and shifted to another city with his second wife, forcing her to lodge FIR.



4. In this case, a co-ordinate Bench had sent the matter to the Mediation Centre and as per the Mediator's report, it failed to resolve the dispute and accordingly opined on 19.03.2024 that the mediation failed.

5. Though, the mediation has failed, upon the initiative taken by this Court, both the petitioner and the informant agrees to the fact that:

(i) the petitioner shall be paying Rs. 4,00,000/- by way of demand draft issued through the local State Bank of India in the name of his wife, the informant, namely Archana Ray at the time of the execution of the bail bond;

(ii) he shall be paying Rs. 1,00,000/- shall be paid every month starting July 2024 for the next four months which will come to an end on October, 2024;

(iii) the payment shall be made by the 10th of every month;

(iv) learned counsel for the informant shall provide the bank details of the informant to the learned counsel for the petitioner.

6. The couple shall take positive steps with the help of their learned counsels so that both the civil or criminal dispute comes to an end amicably.



7. This order has been passed in the presence of learned counsel for the petitioner as also learned counsel for the informant who went outside the Court room, discussed the matter with their respective client (the petitioner and the informant) and thereafter, made the proposal which has been incorporated in the order.

8. Considering the aforesaid facts, let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 10th, Patna in connection with Patliputra P.S. Case No. 721 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

9. The couple shall discuss the things which the lady
claims has still remained in the house of her in-laws.

(Rajiv Roy, J)

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