

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40160 of 2023

Arising Out of PS. Case No.-28 Year-2020 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

RAKESH PASWAN S/O MUNILAL PASWAN RESIDENT OF VILLAGE
-CHANDANPURA P S TILAUTHU DISTRICT ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. GUDIYA KUMARI D/O BABAN PASWAN R/O VILLAGE-
MAJHIGAWA, PS. AND DIST. ROHTAS

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy
For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-03-2024 1. Heard learned counsel for the petitioner and

learned APP for the State along with learned counsel for the O.P.

No. 2.

2. The learned counsel for the parties jointly submits
that the case was referred for mediation by an order dated
09.01.2024, thereafter, the dates were fixed by the learned
Mediator, but the O.P. No. 2 never appeared which amply
demonstrates that O.P. No. 2 is not interested in restituting her
conjugal rights or to settle the dispute.

3. The learned counsel for the O.P. No. 2 also fairly
submits that despite his best endeavours, he could not make the
O.P. No. 2 appear before the learned Mediator. It is next
submitted that presently he is not in a position to make any
submission on merits for the reason that the case was sent for
mediation on the insistence of both the parties, but then for



reasons best known, the O.P. No. 2 chose not to appear.

4. The learned counsel for the petitioner next submits that petitioner is a labourer and earns a meager amount of Rs. 8,000-10,000/- a month and has also to take care of his aged parents and was always willing to keep the O.P. No. 2 with honour and dignity. It is further submitted that despite petitioner being ready to keep the O.P. No. 2, the O.P. No. 2 for reasons best known chooses not to get the dispute resolved. It is next submitted that if the O.P. No. 2 comes to her matrimonial home, she will be kept with all honour and dignity.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 28 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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