

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63523 of 2023**

Arising Out of PS. Case No.-2339 Year-2018 Thana- COMPLAINT CASE District- Araria

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MD. MUNNA Son of Jamil R/o vill - Baturbari, Gullalb Tola, ward no. 11,  
P.S. - Tarabari, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tauhafa Parveen D/o Idrish R/o vill - Kamaldaha, P.S. - Kursakanta, Distt. - Araria

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Vijay Kishore Bharti |
| For the Opposite Party/s | : | Md. Shakir Ahmad         |
| For the O.P. No. 2       | : | Mr. Nishant Kumar Sinha  |

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**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 O.P. No. 2 submits that the case was referred for mediation by an order dated 31.01.2024 and the petitioner was directed to make a payment of Rs. 5,000/- to the O.P. No. 2 on the first date of appearance before the mediation center. It is further submitted that in the mediation, three dates were fixed, but then the petitioner did not appear on the first two dates and thereafter it was presumed that petitioner was not interested in resolving the dispute as such on the third date fixed, the O.P. No. 2 did not appear. It is next



submitted that the O.P. No. 2 along with the child have been ousted from the matrimonial home and the O.P. No. 2 is living at her parental home for the last more than four years and in between these four years, the petitioner never made any endeavours to bring back the O.P. No. 2 and the child to her matrimonial home nor paid a single farthing towards maintenance. It is thus submitted that one can well presume that how the O.P. No. 2 is sustaining herself along with the child. It is further submitted that the matter was referred for mediation but then the petitioner only took advantage of the same as this Court had directed not to take any coercive action. It is also submitted that it absolutely does not stand to reason that on what basis, the learned Mediator in his interim report, has recorded that dispute between the parties is likely to be resolved when neither the petitioner nor the O.P. No. 2 ever appeared before the learned Mediator jointly. It is thus submitted that the petitioner has no intention either to get the dispute resolved or to take care of the child, but is interested in getting the time of mediation extended so that he can again avail the protection of this Court from arrest in the name of mediation.

3. The learned counsel appearing on behalf of the petitioner submits that since the petitioner works in Kerala, as



such, he was not able to attend the mediation proceeding on the first two dates, but then submits that he has instructions to make submission that petitioner is willing to pay a monthly maintenance of Rs. 5,000/- to the O.P. No. 2 and the child.

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that no useful purpose would be served by sending the petitioner to jail though he is not willing to resolve the dispute but since he has agreed to pay a monthly maintenance of Rs. 5,000/-, as such, the O.P. No. 2 along with the child can still survive. It is further submitted that he will *Whatsapp* the bank account number of the O.P. No. 2 on the *Whatsapp* number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance, as agreed, commences from 01.04.2024.

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. 2339C of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the monthly maintenance, as agreed, for two consecutive months.

**(Satyavrat Verma, J)**

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