

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1842 of 2023

Arising Out of PS. Case No.-1750 Year-2019 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Amit Kumar @ Munna Kumar Gupta, Son Of Ramkumar Sah Resident Of
Village - Nagari, P.S.- Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari Wife of Amit Kumar @ Munna Kumar Singh Resident of
village - Nagari, P.S.- Charpokhari, District - Bhojpur. At present daughter of
Suresh Sah, Village - Barni, P.S.- Charpokhari, District - Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
For the State	:	Mr. Kanhaiya Kishore. APP.100
For the O.P. No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 11-03-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.
2. No one appears on behalf of the opposite party

no.2.
3. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 498(A) of the Indian Penal Code.
4. From perusal of the office report dated

06.03.2024, it manifests that the same records that the

mediation report has not been received as yet.



5. The learned counsel for the petitioner submits that the case was referred for mediation by a learned Coordinate Bench by an order dated 10.01.2024. It is next submitted that thereafter, four dates were fixed before the learned Mediator for resolving the dispute, but the opposite party no.2 did not appear on any of the dates fixed by the learned mediator. It is further submitted that the conduct of the opposite party no.2 in not appearing before the learned Mediator, amply demonstrates that she is not interested in resolving the disputes. It is next submitted that no useful purpose would be served by sending the matter back to the learned Mediator for reaching an amicable settlement as the opposite party no.2 is not taking interest.

6. It is submitted that petitioner has a shop of bangles etc. and earns about Rs.10,000/- to Rs.12,000/- in a month and has two children from the wedlock. It is also submitted that the younger child is staying with the opposite party no.2 at her parental home while the elder child is staying with the petitioner. It is also submitted that petitioner is willing to keep the opposite party no.2 and the



child with honour and dignity, but for reasons best known, the opposite party no.2 does not intend to reconstitute her conjugal life. The learned counsel next submits that petitioner in order to establish his bona fide is willing to pay a monthly maintenance of Rs.3,000/- (Three Thousand), which shall be credited in the bank account of opposite party no.2 and the payment of the maintenance shall commence from 01.04.2024.

7. Learned A.P.P. opposes the bail application.

8. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of Miss. Puja Kumari Shah, the learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Complaint Case No.1750 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



9. The application stands allowed.

10. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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