

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9078 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Vivek Kumar Mani @ Vivek Mani Jaiswal @ Vivek Jaiswal S/o Anil Kumar Jaiswal R/o Purani Bazar, Simri Bakhtiyarpur, ward no. 1, P.s.- Bakhtiyarpur, Distt.- Saharsa, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Vivek Kumar Mani @ Vivek Mani Jaiswal @ Vivek Jaiswal R/o vill and Post- Purani Baazar, Simri Bakhtiyarpur, P.S - Bakhtiyarpur, Distt.- Saharsa, Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Piyush Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the informant	:	Mr. Devendra Kumar Sinha, Sr. Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

9 03-04-2026 Heard Mr. Piyush Kumar Pandey, learned counsel

for the petitioner and Mr. Devendra Kumar Sinha, learned

Senior Counsel representing the informant.

2. The petitioner apprehends his arrest in connection with C.R. No. 168 of 2024 (TR No. 2229 of 2024) for the offence registered under sections 341, 323, 406, 498A, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution story, the lady married the petitioner in the year 2018 but was being harassed regularly. This resulted into the present case.

4. The different order sheets of the present petition



shows that earlier, the Co-ordinate Bench and later, this Court tried its level best to bring the couple to terms and in between, the matter was also sent to the Mediation Centre but without success.

5. Though the Mediator's Report dated 10.10.2025 recorded that the mediation has failed, this Court once again called the couple to take their view as the future of the differently abled daughter was foremost in the mind.

6. The couple is present today and this Court had occasion to talk to them separately for quite some time in the presence of their respective counsels also and is of the opinion that they have moved to a point of no return.

7. However, to be fair to the petitioner, he has undertaken to bear the medical expenses of the differently abled daughter besides making payment of Rs. 10,000/- to the petitioner as already recorded in the earlier order dated 19.03.2026. He submits that the medical expenses will be paid to the concerned Doctor/Hospital.

8. It has been informed by the informant that the Maintenance Case is presently pending before the learned Principal Judge, Family Court, Samastipur. This Court records that after any order passed in the said maintenance case, the



payment of Rs. 10,000/- to the lady as ordered will merge with the said order passed by the Family Court, Samastipur.

9. Learned counsel for the petitioner submits that if granted relief, he shall not either intimidate or come anywhere near to the lady and shall also be cooperating in the investigation/ trial besides making payment to her and bearing the medical expenses of the daughter. He however, submits that till the Family Court decides the matter, he shall have the visitation right to meet his daughter.

10. Learned counsel for the petitioner submits that a proper petition shall be preferred before the Family Court, Saharsa within four weeks for meeting his daughter at least once a month. However, for the present, till the petition is filed and an order is passed, he be granted visitation right at least once a month.

11. The informant, Mrs. Jyoti Kumari who is present in the Court agrees to it and submits that till the Family Court, Saharsa passes an order, she do not have any problem to the monthly visit of the petitioner but she reserves her right to remain present along with the child. She however undertakes that her parents and/or the brother or any other relative/ family member shall not remain present when the couple along with the



child will meet once a month.

12. Considering all these facts, this Court is inclined to grant relief. However, if the petitioner fails to make the payment as undertaken/ promised, the lady will have recourse to take steps for cancellation of the bail bond.

13. 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 Chief Judicial Magistrate, Samastipur in connection with C.R. No. 168 of 2024 (TR No. 2229 of 2024) subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) 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;

14. Before parting, this Court would like to put on record its word of appreciation both for Mr. Piyush Kumar Pandey, learned counsel for the petitioner as also Mr. Devendra Kumar Sinha, learned Senior Counsel representing the informant as they too tried their level best to ensure that the couple comes to an amicable settlement. However, the uncompromising attitude/ego of couple ensured that all efforts goes down the drain.

15. The anticipatory bail application is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

