

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30464 of 2015

Arising Out of PS.Case No. -610 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

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1. Shanti Devi, Wife of Radhey Mandal,
2. Radhey Mandal, Son of Bahuran Mandal,
3. Yugesh Mandal, Son of Bahuran Mandal,
4. Rakesh Mandal @ Rakesh Kumar, Son of Radhey Mandal,
All residents of village - Satpairiya, P.S. - Shahkund, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi, Wife of Late Thakur Mandal,
3. Kanchan Kumari, Wife of Rakesh Mandal,
Both residents of village - Satpairiya, P.S. - Shahkund, District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the State : Ms. Anita Kumari Singh(APP)
For O.P. Nos.2 & 3 : Dr. Manoj Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 13-10-2015 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of O.P. Nos.2 and 3 as well

as the learned counsel for the State.

The petitioners are apprehending their arrest in
connection with Complaint Case No.610 of 2013 for allegedly
having committed the offences under Section 498A of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

By order dated 11.8.2015, the petitioners had been
extended the interim protection by this Court and Petitioner No.4
(the husband of O.P. No.3) and O.P. Nos. 2 (the complainant)

and 3 (the wife of Petitioner No.4) had been directed to be present in Chambers so as to arrive at some sort of settlement and/or reconciliation.

Learned counsel for the petitioners submits that Petitioner No.4 is the husband of O.P. No.3 and is a student of +2. So far as Petitioners Nos.1, 2 and 3 are concerned, they are mother-in-law, father-in-law and uncle-in-law of O.P. No.3 respectively.

Petitioner No.4 Rakesh Mandal @ Rakesh Kumar is present in Chambers today and so as O.P. Nos.2 and 3.

Petitioner No.4 submits that he is willing and ready to keep O.P. No.3 with all honour and dignity. Though this Court has tried to persuade O.P. No.3 to go back to her husband and live with him, she is not inclined to go back to him as he has subjected her to various acts of physical and mental torture. Even the suggestion of sending her back has led to an outburst and she has implored before this Court not to send her back as she fears threat to her life.

Be that as it may, situation at present does not look towards any reconciliation. However, in the interest of justice and also in order to provide sustenance for her existence, this Court feels that Petitioner No.4 shall pay an amount of ₹3,000/- (Three

thousand) per month, which shall be deposited in the court below and/or any Account number to be provided by O.P. No.3 in future, by the 10th of each month, beginning November, 2015. In case Petitioner No.4 deposits the first instalment of the said amount by 10th November, 2015, thereafter let all the four petitioners, above named, in the event of their arrest or surrender before the court below be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with Complaint Case No.610 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further made clear that if Petitioner No.4 defaults in payment of the said amount for two consecutive months and disrupts the source of sustenance of O.P. No.3, it shall be open to O.P. No.3 to take appropriate steps in accordance with law, which includes moving this Court for modification of the present order.

(Anjana Mishra, J)

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