

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5173 of 2015

Arising Out of PS.Case No. -1408 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Sandeep Pathak @ Sandeep Kumar Pathak Son of Shambhunath Pathak,
resident of vill-Morarpatti,P.S-Dokhti,Distt.-Balua,Uttar Pradesh

.... Petitioner/s

Versus

1. The State of Bihar
2. Shweta Pathak W/O Sandeep Pathak, resident of vill-Dahiyawan
Brahman Toli, P.S-Chapra Town, Distt.-Chapra,Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr. Aslam Ansari (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 24-09-2015 Heard learned counsel for the petitioner and learned
counsel for the opposite party no. 2.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1408 of 2013 for the offence registered
under Sections 498A, 379 of the Indian Penal Code and Section 3 of
the Dowry Prohibition Act.

Today, the petitioner as well as the opposite party no.
2 is present in court.

After much deliberation with both of them, this Court
comes to the conclusion that there is remote possibility of
reconciliation between the parties. Though, the girl, in question, is

willing to go and live with the petitioner (Husband) but the petitioner is adamant and not ready to take with her. Petitioner has already filed a divorce case which is pending adjudication before the Court of Principal Judge, Balia, Uttar Pradesh.

In view of the present scenario of the case and since it appears that the girl, in question, has already filed an application before the Family Court, Saran at Chapra bearing Maintenance Case No. 66 of 2014, in which, no interim maintenance has been passed till date and, also because the petitioner (husband) is responsible to maintain her and to provide adequate arrangements to her, the petitioner is directed to pay a sum of Rs. 5,000/- (five thousand) per month, so that she may at least, be able to survive herself till the issue before the Family Court could be resolved.

Let the petitioner deposit the aforesaid amount, as agreed upon before this Court, in the Court Below by the 10th of each month beginning from October, 2015. In the event of deposit of aforementioned amount by the petitioner by 10th of October, 2015, let the petitioner, in the event of his arrest or surrender before the Court Below within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of Sub Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 1408 of 2013.

However, it is made clear that if the petitioner does not deposit the aforementioned amount for continuous period of two months, it shall be open for the opposite party no. 2 to approach this court for modification/cancellation of bail.

(Anjana Mishra, J)

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