

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7332 of 2017

Arising Out of PS.Case No. -1361 Year- 2013 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Pawan Kumar Yadav, S/o Siya Saran Yadav, resident of village-
Chodhali, P.S. Beldaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Kumari, D/o Late Jagdhar Yadav, resident of village- Dandari,
P.S.- Dandari, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party No.1: Smt. Sangeeta Sharma, APP

For the Opposite Party No.2: Mr. Shyamal Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 13-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.1361-C of 2013 instituted for the offence under Section(s)
498-A/34 Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

Both husband and wife are present in Chambers.
Wife has come with her minor daughter. Wife has stated that
maintenance case is pending in the Court below. She has been
tortured by her husband (petitioner), therefore, she does not want
to live with him.

Husband (petitioner) has stated that he is ready to



keep the wife. It has further been submitted that earlier in the year 2012, wife-Opposite Party No.2 had entered into agreement in presence of Sarpanch, Mukhiya etc. that she does not want to live with this petitioner (Annexure-2).

Counsel for the petitioner has submitted that in the mediation centre it has been agreed between the parties that petitioner will make payment of rupees one lac to the Complainant-Opposite Party No.2 for her maintenance as one time settlement.

The Opposite Party No.2-wife has submitted that it will be difficult for her to maintain herself and minor daughter in such paltry amount.

In view of such, the petitioner is directed to pay a sum of Rs.3,000/- (three thousand) per month to the wife-Opposite Party No.2 for maintenance of her and her minor daughter till final order is passed in maintenance case pending between the parties in the Court below.

This application is disposed off with direction to petitioner to surrender before the Court below i.e. **Sub-Divisional Judicial Magistrate, Begusarai**, within a period of six weeks from the date of receipt of a copy of this order in connection with **Complaint Case No.1361-C of 2013**, along with valid receipt



showing payment of Rs.3000/- (three thousand) to the Opposite Party No.2-wife for this month i.e. November, and in that event the Court below will release the petitioner on provisional anticipatory bail to its own satisfaction till final order is passed in the maintenance case, subject to the conditions as laid down under Section 438(2) Cr. P. C.

The petitioner will continue to make payment of the aforesaid amount to the wife-Opposite Party No.2 by 15th of every month directly in her Savings Account and will produce the receipt in the Court in proof of deposit of the amount and in the event petitioner continues to make payment of the aforesaid amount, which will be subject to final decision in the maintenance case, provisional anticipatory bail of the petitioner will be confirmed after passing of final order by the Court below in the maintenance case.

The Court below will pass final order in maintenance case within a period of one year from the date of receipt of this order.

Opposite Party No.2-wife will provide her Savings Bank Account number to the petitioner for depositing the amount every month.

It is made clear that in the event the petitioner does



not surrender in the Court below along with receipt showing payment of Rs.3,000/-, as ordered above, or during the period of provisional bail the petitioner defaults in making payment of single installment, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

This application is, accordingly, disposed off.

Let a copy of this order be sent to the learned Sessions Judge, Begusarai, to communicate the Court concerned to pass final order in maintenance case as ordered above.

(Sanjay Priya, J)

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