

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32323 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- MAHILA P.S. District- Patna

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1. CHANDRAGUPTA BHARTIYA Son of Pramod Yadav Resident of New Nathupur Parsa, P.S.- Parsa Bazar, District - Patna.
 2. Brijgupta Bhartiya Son of Pramod Yadav Resident of New Nathupur Parsa, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pooja Sinha @ Pooja Bhartiya Daughter of Late Dr. Krishna Kumar Sinha Resident of Punaichak, Post Office Road, P.S.- Shastrinagar, District - Patna - 800023.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Ojha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 15-11-2019 Petitioners seek bail in anticipation of their arrest in connection with Mahila P.S. Case No. 148 of 2018 registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

As per FIR petitioner No.1 happens to be husband of the informant and petitioner No.2 is brother of petitioner No.1 and there is allegation of demand of Rs.35 lac for purchase a flat and after fulfilment of the same there was further demand of Rs.15 lac for purchase of vehicle and for that she was beaten up very badly.

Submission of learned counsel for the petitioners is



that petitioner No.1 is a Professor and the informant is also a Professor and as there was no chance of compromise the matter went to the Mahila Helpline at the instance of informant and matter was not materialized there and opinion of Mahila Helpline was that she would go to police station for lodging FIR in this case.

The matter was earlier referred to the Mediation Centre but mediation failed and petitioner is ready for one time settlement as he is not ready to pay the interim maintenance to her and there is no chance of compromise between the parties. However, it appears that several litigations are pending between the parties and no payment has been made by the petitioner, who is now jobless.

Heard learned APP also.

In view of above facts and circumstances, let petitioner No.1 & 2 surrender in the court below on the condition that petitioner No.1 has to pay Rs.8000/- per month to the informant by way of maintenance for a period of one year and it is expected that during that period opposite party No.2 shall file a maintenance case before the Family Court and on personal service of notice petitioner No.1 has to appear before Family Court in disposal of maintenance case and on surrender



they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Smt. Priya Shekhar, Judicial Magistrate, 1st Class, Patna, in connection with Mahila P.S. Case No. 148 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the court concerned.

It is made clear that on failure to give maintenance amount as aforesaid continuously for four months, opposite party No.2 is at liberty to move for cancellation of bail bonds of the petitioner No.1 in the court below and opposite party No.2 is directed to produce her Bank account number before the court below, so that petitioner No.1 may deposit the said amount to her account.

(Vinod Kumar Sinha, J)

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