

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31157 of 2019

Arising Out of PS. Case No.-2077 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Md. Niraaj Son of Md. Jamal Resident of Village - Bharthipur, P.S.- Sakara,
District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Najni Khatoon Wife of Md. Niraj Resident of Village - Bharthipur, P.S.- Sakara, District- Muzaffarpur, at present Resident of Village - Patepur Lahladpur, P.S.- Patepur, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Vidyarthi, Advocate
For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-02-2020 Heard learned counsel for the parties.

The petitioner, husband of Opposite Party No. 2 apprehends his arrest in **Muzaffarpur Complaint Case No. 2077 of 2017** registered for the offence under Section 498(A) of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act. Later on, cognizance has been taken under Section 498(A) and 494 of the Indian Penal Code

Earlier, vide order dated 05.08.2019, the matter was sent to Mediation Centre of Patna High Court for settlement of dispute between the parties. In pursuance thereof, Mediator's report has been received which is kept at flag 'N'. From perusal of Mediator's report dated 12.12.2019, it appears that mediation



has failed.

Learned counsel for the petitioner submits that at this juncture, the petitioner is ready to give maintenance amount of Rs. 2,500/- (two thousand five hundred) per month to Opposite Party No. 2, starting from this month.

In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 2,500/- (two thousand five hundred) per month, the **provisional bail** earlier granted to the petitioner vide order dated 05.08.2019, is hereby **confirmed**, subject to the following conditions:-

(1.) Opposite Party No. 2 would file an affidavit before the court below and bring on record her Saving bank account number for its communication to the petitioner.

(2.) Petitioner would deposit the aforesaid maintenance amount per month in the Saving bank account of the Opposite Party No. 2.

(3.) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail bond.

(4.) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(5.) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(6.) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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