

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 41299 of 2019**

Arising Out of PS. Case No.-79 Year-2018 Thana- SATHI District- West Champaran

Rakesh Giri aged about 37 years (M) Son of Akhilesh Giri Resident of Village-Bhagwana, Police Station-Sathi, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi aged about 25 years (F) Wife of Rakesh Giri, daughter of Prabhu Giri Resident of Village-Bhagwana, Police Station-Sathi, District-West Champaran.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| For the Petitioner/s     | : | Mr. Brij Kishor Mishra              |
| For the Opposite Party/s | : | Mr. Bishweshwar Ram<br>Mr. Abhishek |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4. 20-02-2020                      Heard learned counsel for the parties.

The petitioner, husband of opposite party no. 2, apprehends his arrest in Sathi P.S. Case No. 79 of 2018 registered for the offence under Section 498(A) & other allied sections of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Earlier, vide order dated 19-09-2019, the matter was sent to Mediation Centre for settlement of dispute between the parties, but from perusal of Mediator's report dated 11-12-2019 (Flag 'B'), 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. 5,000/- (five thousand) per month, starting from this month, to informant/opposite party no. 2, which has been agreed by the counsel for opposite party no. 2.

In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 5,000/- (five thousand) per month, in the event of



arrest/surrender within a period of six weeks from today, let the above-named petitioner 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 learned Chief Judicial Magistrate, Bettiah, District – West Champaran in connection with Sathi P.S. Case No. 79 of 2018 on 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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