

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49736 of 2019**

Arising Out of PS. Case No.-2715 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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ASHUTOSH KUMAR Son of Jawahar Singh Resident of Village- Digghi
Khurd, P.S.- Sadar Hajipur, District- Vaishali ... Petitioner
Versus

1. THE STATE OF BIHAR
2. Suman Kumari Wife of Ashutosh Kumar Resident of Mirzanagar, P.S.-
Mahua, District- Vaishali, A/p resident of Ram Jeevan Chowk Hajipur, P.S.-
Hajipur Town, District- Vaishali.

... ... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Ashraf Ansari, Addl Public Prosecutor
Mr. Nityanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-02-2020 Heard learned counsel for the parties.

The petitioner, husband of opposite party no. 2, apprehends his arrest in a case registered for the offence punishable under Sections 498A/34 of the Indian Penal Code and under section 4 of the DP Act.

From perusal of Mediator's report dated 19.12.2019, 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. 3500/- per month, starting from this month, to 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. 3500/- per month, in the event of arrest/surrender within a period of six weeks from today, 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 Sub Divisional Judicial Magistrate, Vaishali at Hajipur in Complaint Case No. 2715/2017, 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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