

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60849 of 2019

Arising Out of PS. Case No.-764 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

Nishant Kapri @ Rahul aged about 28 years (Male) Son of Shiv Kumar
Kapari Resident of Village- Brahman Tole Basti Ward No. 12, P.S.- Jainagar,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mayuri Devi @ Priti Devi @ Mayuri Kumari @ Priti Kumari aged about 24
years (Female) Wife of Nishant Kapari @ Rahul Resident of Village-
Brahman Tole Basti Ward No. 12, P.S.- Jainagar, District- Madhubani.
At Present daughter of Ram Sevak Purbey Resident of Village Pandaul
Bazar, P.S. Pandaul, District- Madhubani.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mrs. Rita Verma

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 05-02-2020 Heard learned counsel for the parties.

The petitioner, husband of complainant/opposite party no. 2, apprehends his arrest in Complaint Case No. 764 of 2018 for the offence under Section 498(A), 323, 379, 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Mediator's report dated 16-12-2019 (flag 'P') indicates that the dispute in between the parties could not be resolved through the process of mediation and as such, mediation 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, starting from this month, to complainant/opposite party no. 2, subject to final order of the Family Court, if any, in this regard.

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, 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 S.D.J.M., Madhubani in connection with Complaint Case No. 764 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.)

anay

U		T	
---	--	---	--

