

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39231 of 2022

Arising Out of PS. Case No.-67 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Shiv Bharti @ Shiv Kumar Bharti Son Of Digambar Bharti R/O Village- B. Belahi, P.S.- Kaluahi, District- Madhubani, Presently Residing At F-10 Gali No.1 Near Yadav Chawk, Sougam Park Khoda Colony Ghaziabad, Uttar Pradesh 201001

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Jyoti Kumari W/O- Shiv Bharti, D/O- Ravindra Kumar Giri R/O Village- Chitalhi, P.S.- Rajnagar, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesk Kumar Sah
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner, the State and the opposite party no.2.

The petitioner who is husband of opposite party no. 2 apprehends arrest in a case registered for the offence punishable under Sections 498A/379 and other allied sections of the Indian Penal Code and under sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3000/-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. 3000/- 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 the Judicial Magistrate 1st class,, Madhubani in Complaint Case No. 67(CIS)/67/2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as 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 co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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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