

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55536 of 2021

Arising Out of PS. Case No.-1094 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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BRIJ KISHORE BHARTI @ BRAJ KISHORE BHARTI Son of Late Bigan Goswami @ Late Bigan Bharati Resident of Village - Pipra, P.S.- Mali, District - Aurangabad, At present posted Dy. S.P. (In-charge, Special Branch, Pakur), District - Pakur (Jharkhand) and Sector IIIB Quarter, Quarter No.- 240 Bokaro Steel City (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhubala Bharti Wife of Braj Kishore Bharti Resident of Village - Pipra, P.S.- Mali, District - Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rajeev Kumar
For the Opposite Party/s :	Mr.Surendra Kumar
	Mr.Madan Prasad Singh-2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-07-2022 Heard learned counsel for the parties.

The petitioner, husband of complainant/opposite party no. 2, apprehends his arrest in Complaint Case No. 1094 of 2019 registered for the offence under Section 498(A)/34 of the Indian Penal Code.

In this regard, Mediator's report is at flag 'M', which shows that despite best and sincere effort of the Mediator, the mediation could not succeed and failed.

As per the prosecution case, this petitioner is alleged to have committed torture, harassment for additional demand of



dowry with the complainant/opposite party no. 2.

Learned counsel for the petitioner submits that petitioner is ready to give maintenance amount of Rs. 10,000/- (ten thousand) per month, starting from this month to complainant.

In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 10,000/- (ten thousand) per month, in the event of arrest/surrender within a period of six weeks from today, let the petitioner above-named 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 Judicial Magistrate 1st Class, Nawada, in connection with Complaint Case No. 1094 of 2019 on the following conditions:

(1.) Complainant/Opp.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 complainant/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 would 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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