

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48049 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- MAHILA P.S. District- Patna

UTPAL MISHRA Son of Gopal Mishra Resident of Mohalla- Machhali
Phatak, P.S- Vishnupad, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Neha Pathak D/o Yugal Kishore Pathak R/O Fazilabad, PO- Mintachak, P.S-
Gopalpur, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-12-2022 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 341, 323, 498(A), 313, 34 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. 5000/-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. 5000/- 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 Sri Arvind Kumar Singh, learned Judicial Magistrate 1st class, Patna in connection with Mahila P.S. Case No. 64 of 2021

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 canceled 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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