

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65247 of 2021

Arising Out of PS. Case No.-416 Year-2020 Thana- BARHARA District- Bhojpur

=====

MITHILESH @ MITHILESH KUMAR UPADHAYAY @ MITHILESH UPADHAYAYA Son of Vijay Kumar Upadhayay @ Vijay Upadhaya Resident of Village- Bhadanpur, P.S.- Narayanpur, District- Bhojpur, At present resided at Plot no. 56, Shridhi Bhawan, Near Mansukh Lane, Nageshwar Nagar (B), Naka No. 5, Bindgaon Road, P.S.- Bindgaon, District- Nagpur (Maharashtra).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deeksha Kumari Wife of Mithilesh Upadhayay R/o Village- Bhadanpur, P.S.- Narayanpur, District- Bhojpur, presently Daughter of Rajni Kant Pandey, Resident of Village- Ram Sahar, P.S.- Barhara, District- Bhojpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Khurshid Anwar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-07-2022 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 Section 498A 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 the Chief Judicial Magistrate, Bhojpur at Ara in Barhara Police Station Case No. 416 of 2020, 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)

shashi/-

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

