

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22195 of 2022

Arising Out of PS. Case No.-164 Year-2018 Thana- SABAUR District- Bhagalpur

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Ramdhani Kumar @ Ramdhani Yadav, Son Of Late Kailash Prasad Yadav
Resident Of Village - Mirzapur, P.S.- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalpana Devi W/o Ramdhani Yadav Resident of Village - Gaurachauki,
P.O.- Gaurachauki, P.S.- Kazarauli, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 341,
323, 498A, 504, 506 of the Indian Penal Code and Section 3/4
of the D. P. Act.

The learned counsel for the petitioner submits that the
petitioner is the husband and is a person with clean antecedent
and in compliance of the order dated 06.05.2022, notices were
issued on the opposite party no.2 and from perusal of the noting
at Flag- 'A', it would reveal that the notices were received by
the father of opposite party no.2.



The learned counsel for the petitioner submits that since the notice was received by father of opposite party no.2, as such, it is deemed to be served validly on the opposite party no.2. The learned counsel next submits that despite receiving notice, the opposite party no.2 chooses not to contest as no one appear on her behalf.

Without going into the merits of the case, since it has been submitted by the learned counsel for the petitioner based on instruction that petitioner is willing to pay a maintenance amount of Rs.5,000/- (Rs. Five Thousand) per month to the informant which will commence from December, 2022 till maintenance is not decided by a Court of competent jurisdiction, if any.

Learned A.P.P. submits that since informant is not appearing, then how the said amount of maintenance will be deposited.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending in connection with Sabour P. S. Case No.164 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court through the learned lawyer appearing on behalf of the informant shall get this order communicated to the informant, so that she furnishes her bank account number before the learned trial Court in which the petitioner shall start depositing the maintenance amount as agreed before this Court. In the event, if the informant files an application before the learned trial Court bringing to its notice that petitioner for two consecutive months has not deposited the maintenance as agreed, the learned trial Court after giving an opportunity of hearing to the petitioner shall pass order in accordance with law and will also have the liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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