

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65809 of 2022

Arising Out of PS. Case No.-1188 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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BIRENDRA KUMAR SINGH S/O Mahesh Prasad Singh R/O Village-
Dhadhar, P.S- Sherghati and District- Gaya. At Present Mohalla- Bills Street
8, Quarter No- 5B, Bokaro Steel City, Sibandih, Bokaro, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Supriya Rani W/O Birendra Kumar Singh, D/O Sri Ashok Prasad R/O
Village- Ghaghar, P.S- Sherghati, District- Gaya. D/O Sri Ashok Prasad, R/O
Village- Bhabhandi (Pasewa), P.S- Imamganj, District- Gaya. At present
resident of village- Kamalpur, P.S- Muffasil, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-12-2022 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 498 (A),323, 504 and 506 of the Indian Penal
Code and under section 3 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 Smt. S.P. Mihra, learned Judicial Magistrate- IInd class, Gaya in connection with Complaint Case No. 1188 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 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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