

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4628 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- KATEYA District- Gopalganj

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1. SUNIL KUMAR @ RAJU JAISWAL SON OF SHIVNATH JAISWAL R/O VILLAGE- KATEYA, WARD NO.-5, P.S.- KATEYA, DISTRICT- GOPALGANJ
 2. ANIL JAISWAL @ OMJEE SON OF SHIVNATH JAISWAL R/O VILLAGE- KATEYA, WARD NO.-5, P.S.- KATEYA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. VIJAYLAKSHMI W/O SUNIL KUMAR @ RAJU JAISWAL, R/O VILLAGE KATEYA, WARD NO. 5, P.S. KATEYA, DISTRICT – GOPALGANJ.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Naresh Chandra Verma Mr.Natraj Verma
For the Opposite Party/s :		Mr.Pradeep Narain Kumar Mr.Lokesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-03-2023 From perusal of Mediator's report dated 23.02.2023,

kept at flag 'B', it appears that mediation has failed.

Heard learned counsel for the petitioners, State and
informant/opposite party no. 2.

Petitioner no. 1 (husband of informant/O.P.-2) and
petitioner no. 2 (elder brother of petitioner no. 1) apprehend
their arrest in a case registered for the offence under Section
498(A) and other allied sections of the Indian Penal Code and



Section 3/4 of the Dowry Prohibition Act.

As per the prosecution case, petitioner no. 1 is alleged to have committed torture and harassment with the informant for dowry.

Learned counsel for the petitioners submits that petitioner no. 1 is husband of informant, whereas, petitioner no. 2 is elder brother of petitioner no. 1. Petitioners never demanded any dowry nor they have tortured the informant. However, learned counsel candidly submits that petitioner no. 1 is ready to give maintenance amount of Rs. 4,000/- (four thousand) per month, starting from this month, to informant/O.P.-2.

However, learned counsel appearing on behalf of opposite party no. 2 submits that opposite party no. 2 is willing to live with petitioner no. 1, as husband and wife.

In view of aforesaid fact and the undertaking of learned counsel for the petitioners that petitioner no. 1 is ready to give maintenance amount of Rs. 4,000/- (four thousand) per month to informant/opposite party no. 2, in the event of arrest/surrender within a period of six weeks from today, let the petitioners, above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj in connection with Kateya P.S. Case No. 124 of 2021 on the following conditions:

(1.) Informant/O.P.-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 no.1 would deposit the aforesaid maintenance amount per month in the saving bank account of the informant/O.P.-2.

(3.) In case, the petitioner no. 1 fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail bond.

(4.) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(5.) If the petitioners tamper 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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