

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35500 of 2023

Arising Out of PS. Case No.-1402 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Jairam Yadav, son of Late Lalaji, resident of Village-Malpura P.O.- Jaisawali
P.S.- Kateya Dist- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. Sunaina Devi, wife of Jairam Yadav, resident of Village-Malpura P.O.-
Jaisawali P.S.- Kateya Dist-Gopalganj at present D/o Late Lakhan Yadav,
resident of village-Tiwari Tola P.O.- Rudalpur P.S.- Kateya Dist- Gopalganj

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Akshay Lal Pandit, Advocate Mr. S. Azeem, Advocate Mr. Arvind Kumar, Advocate
For the State	:	Mr. Parmanand Prasad, APP
For the Complainant-O.P. No.2:	:	Mr. Dewanand Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Complaint Case No.1402C of 2022 in which cognizance
has been taken for the offences punishable under Sections 498-A
and 323 read with 34 of the Indian Penal Code.

The accused/petitioner is named in the complaint
case and is in custody since 19.04.2023.

Allegation against the petitioner is to commit
cruelty upon the informant due to non-fulfilment of dowry as
raised for a four-wheeler vehicles and further alleged to



solemnize second marriage during subsistence of present marriage with complainant, where after perusal of record, the learned Jurisdictional Magistrate took cognizance under Sections 498-A and 323 read with 34 of the Indian Penal Code.

It is submitted by learned counsel that marriage of petitioner with informant was solemnized long back on 21.05.2005 i.e. about 17 years earlier to this occurrence, having no occasion to commit cruelty. It is submitted that out of suspicion, the allegation of extra-marital affairs was also raised against the petitioner by complainant without having any cogent materials. It is submitted by learned counsel that as petitioner wants to lead his conjugal life with complainant and in support of his desire, he is ready to pay Rs.5,000/- (Rupees Five Thousand) as *ad-interim* maintenance to wife and minor children till outcome of maintenance case/compromise of the concerned learned Family Court.

Learned APP duly assisted by Mr. Dewanand Tiwari, learned counsel for the complainant while opposing the prayer for grant of bail submitted that the *ad-interim* maintenance amount of Rs.5,000/- per month is acceptable to the complainant till finding of learned Family Court over the subject.



In view of above-mentioned facts and circumstances, as petitioner is ready to pay *ad-interim* maintenance amount of Rs.5,000/- to complainant and his two minor daughters, where petitioner is in custody since 19.04.2023, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII, Gopalganj in connection with Complaint Case No.1402C of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further condition:-

That petitioner shall pay *ad-interim* maintenance of Rs.5000/- to complainant positively on or before every 7th day of English calendar month i.e. from August, 2023 any deviation may lead to cancellation of bail bonds of petitioner by learned Trial Court itself, if pressed by State/complainant.

(Chandra Shekhar Jha, J.)

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