

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40259 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

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RAHUL MISHRA SON OF SANTOSH MISHRA R/O VILLAGE-
BARKAGAON, P.S.- SIMRI, DISTRICT- BUXAR AT PRESENT R/O-
VIJAY CHOK, JAY PRAKASH NAGAR, P.S.- AADHARTAL, DISTRICT-
JABALPUR, MADHYA PRADESH

... .. Petitioner/s

Versus

1. The State of Bihar
2. PYIYANKA KUMARI @ PRIYANKA MISHRA W/O- RAHUL MISHRA,
D/O- ANIL PANDEY R/O VILLAGE- BARKAGAON, P.S.- SIMRI,
DISTRICT- BUXAR AT PRESENT R/O VILLAGE- BARKI SARIMPUR,
P.S.- BUXAR INDUSTRIAL, DISTRICT- BUXAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Pradhan
For the Opposite Party/s	:	Mr. Murli Dhar, A.P.P.
For the Complainant	:	Mr. Prabhat Kumar, Advocate
	:	Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 06-07-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A)
and 34 of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

Learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
present case, it is next submitted that the matter was referred to
mediation but then the mediation proceedings failed, it is also



submitted that petitioner is not averse to maintain the complainant.

The learned counsel for the complainant rebuts the submission of the learned counsel for the petitioner and submits that though a submission has been made on behalf of the petitioner that petitioner is willing to maintain the complainant but then the learned D.V. Court had granted maintenance of Rs. 6,000/- to be paid by the petitioner to the complainant on 16.08.2022 but then the said amount till date has not been paid.

The learned counsel for the petitioner is not in a position to rebut the submission of the learned counsel for the complainant but submits that since petitioner was facing financial issues, as such, the amount could not be paid but then he submits that the total dues up till now is Rs. 66,000/- and the said amount shall be paid in two installments latest by 10.10.2023. It is further submitted that from 18.07.2023 the petitioner shall start paying the maintenance amount of Rs. 6,000/- as fixed by the learned D.V. Court.

The learned counsel for the complainant does not dispute the submission of the learned counsel for the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with 310 (C) of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if the arrears amount as agreed is not paid by 10.10.2023, the complainant shall be at liberty to file an application seeking cancellation of bail to the petitioner before this Court.

Further, in the event, if the petitioner does not pay the amount of Rs. 6,000/- as agreed for the consecutive two months in that event also, the informant shall be at liberty to seek cancellation of his bail order.

(Satyavrat Verma, J)

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