

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46966 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- CHANPATIA District- West Champaran

RAHUL KUMAR DUBEY @ VIVEK KUMAR DUBEY SON OF LATE
SUDISH DUBEY RESIDENT OF KUDWA MATHIYA DUBEY TOLA PS
KUMARBAG OP DISTRICT WEST CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RUPA KUMARI WIFE OF RAHUL KUMAR DUBEY @ VIVEK KUMAR DUBEY RESIDENT OF KUDWA MATHIYA, DUBEY TOLA, PS- KUMARBAGH OP., DIST- WEST CHAMPARAN. PRESENT ADDRESS- VILLAGE- RAMPUR DUKHNA TOLA, PS- YOGAPATTI, DIST- WEST CHAMAPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s :	Ms. Gulnar Begum, A.P.P.
	Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-12-2023 Earlier, *vide* order dated 04.08.2023, the matter was referred to the Mediation and Conciliation Centre, Patna High Court, Patna, but as per the Mediator's Report (flag 'M'), the mediation has failed.

2. Heard learned counsel for the parties.

3. The petitioner who is husband of opposite party No. 2 apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 504, 506/34 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the



petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3000/- per month, starting from this month, to opposite party No. 2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3000/- (three thousand) per month to the opposite party No. 2, in the event of arrest/surrender within a period of six weeks from today, let the 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 Additional Chief Judicial Magistrate 1st, Bettiah, West Champaran in connection with Chanpatiya (Kumarbagh O.P.) P. S. Case No. 506 of 2022, 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 savings bank account number for its communication to the petitioner.

(2) Petitioner would deposit the aforesaid maintenance amount per month in the savings 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) 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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