

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53336 of 2022

Arising Out of PS. Case No.-373 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

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SANJAY CHAUBEY S/o Narvdeshtwer Chaubey @ Nagesh Chaubey R/o
village- Karamhari, P.S.- Mohaniya, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nandani Kumari W/o Sanjay Chaubey, D/o Rajeshwer Pandey R/o village-
Bharkhar, P.S.- Mohaniya, District- Kaimur at Bhabua

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Mohaniya P.S. Case No.373 of 2022 instituted under Section 341, 323, 498A, 504/34 of the IPC and Section 3/4 of Dowry Prohibition Act.

At the outset, earlier the matter was sent to the Mediation Center by the co-ordinate bench on 02.11.2022 but today when the case was taken up, learned counsel for the petitioner made a categorical statement that since divorce suit is pending, the petitioner do not want to continue with the present



relationship. He however, submitted that till an order on maintenance is passed by the Family Court, he intends to pay Rs.10,000/- per month to his wife.

In view of the said submission put forward by the learned counsel for the petitioner, there would be no meaning granting further extension of time as prayed by the Mediator in its last letter.

Since the Divorce suit has already been filed by the petitioner's side, the petitioner shall pay Rs.10,000/- per month to the lady beginning January, 2023 and from February, 2023, he will be paying by 10th of every month in Bank of Baroda, Account Holder-Nandani Kumari, Account No.00070100028689, IFSC Code BARB0MOHANI, failing which the informant shall be free to take recourse to legal remedy for the cancellation of the bail bond.

The payment amount will merge with any order passed by the Family Court in the case that is pending. With the aforesaid observation, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two



sureties of the like amount each in connection with Mohaniya
P.S. Case No.373 of 2022 to the satisfaction of learned Chief
Judicial Magistrate, Kaimur at Bhabhua, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan/
Ajay Singh

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