

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65361 of 2022

Arising Out of PS. Case No.-2678 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Rakesh Kumar Mishra @ Rakesh Mishra Son of Late Keshav Mishra R/V-
Balbhadra Parsa P.s- Phulwaria, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi D/o Ramesh Dixit R/V- Balbhadra Parsa, P.S- Phulwaria, Dist-
Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, A.P.P.
For the complainant : Mr. Nagendra Upadhyay, Advocate
Mr. Ashwani Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-05-2023 Heard learned counsels for the petitioner, the State
and opposite party No.2.

The petitioner who is husband of opposite party No.
2 apprehends arrest in a case registered for the offences
punishable under Sections 323, 498(A) of the Indian Penal
Code.

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.

In view of the undertaking of learned counsel for the
petitioner that petitioner is ready to give maintenance amount of
Rs. 3000/- per month, in the event of arrest/surrender within a
period of six weeks from today, 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-VII, Gopalganj in connection with Complaint Case No. 2678 of 2019, 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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