

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5111 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- BARHARA District- Bhojpur

Rohit Upadhayay Son of Amrendra Upadhayay Resident of Village-
Babhangawan, P.S.- Barahara (Krishnagar), Distt-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Choubey Wandana Kumari D/O Shesh Nath Choubey, wife of Rohit Upadhaya Resident of Vill.- Waina, P.S.-Nawa Nagar, Dist.- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Ataul Haque, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

Mr. Shiv Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-05-2024 Earlier, *vide* order dated 20.02.2024, 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, 354, 379, 498A, 504/34 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (Krishnagardh) P. S. Case No. 378 of 2023, 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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