

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11107 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Sohan Upadhyay Son of Rameshwar Upadhyay R/o vill - Sinha, P.S. -
Barhara, Distt. - Bhojpur

... .. Petitioner

Versus

1. The State of Bihar
2. Priya Devi W/o Sohan Upadhyay, D/o Shyamakant Pandey R/o vill -
Narayanpur, P.s. - Bihiyan, Distt. - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sunil Kumar, Advocate
For the Opposite Party/s :	Mr.Upendra Kumar, A.P.P.
	Mr. AK Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-08-2024 Heard learned counsel for the petitioner, the State
and the opposite party no.2.

2. The petitioner, who is husband of opposite party
no.2, apprehends arrest in a case registered for the offence
punishable under Sections 341, 323, 504, 506, 498A/34 of the
Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition
Act.

3. Mediator's report dated 13.6.2024 reveals that in
spite of efforts, dispute between the parties could not be
resolved through process of mediation. However, it is submitted
by 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 the
opposite party no.2.

4. 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 the Sub Divisional Judicial Magistrate, Bhojpur at Ara in Bhojpur Mahila Police Station Case No. 27 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:-

- (i) Opposite party no.2. would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.
- (ii) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the opposite party no.2.
- (iii) 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.
- (iv) 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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