

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11028 of 2024**

Arising Out of PS. Case No.-646 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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SHIV RATAN SAH S/O- SAGAR SAH R/O- MOHIUDDIN NAGAR, P.S.-  
MOHIUDDIN NAGAR, DIST.- SAMASTIPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA
2. SUNITA DEVI W/O- SHIV RATAN SAH R/O- MOHIUDDIN NAGAR,  
P.S.- MOHIUDDIN NAGAR, DIST.- SAMASTIPUR, PRESENTLY  
RESIDING AS DAUGHTER OF KAILASH SAH AND RESIDING AT  
VILLAGE- KANHAULI, P.S.- MOHIUDDIN NAGAR, DIST.-  
SAMASTIPUR.

... .. Opposite Party/s

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**Appearance :**

|                            |                                  |
|----------------------------|----------------------------------|
| For the Petitioner/s :     | Mr. Anant Kumar Mishra, Advocate |
| For the Opposite Party/s : | Mr. Bishweshwar Ram, A.P.P.      |
|                            | Mr. Ajay Kumar Singh, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      10-07-2024                      Earlier, *vide* order dated 08.05.2024, the matter was referred to the Mediation and Conciliation Centre, Patna High Court, Patna, but as per the Mediator's Report (flag 'A'), 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 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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 Sub-Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 646 of 2019 (T.R. No. 2829 of 2020), 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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