

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13703 of 2024

Arising Out of PS. Case No.-1089 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Kamlesh Pandey Son of Late Dudhnath Pandey Resident of Village- Amra,
P.O.- Kandawa, P.s.- Rohaniya, District- Varnasi (U.P.)

... .. Petitioner

Versus

1. The State of Bihar
2. Hemlata Pandey W/o Kamlesh Pandey, D/o Late Shri Ram Upadhyay
Resident of Village- Amra, P.S.- Rohaniya, District- Varnasi (U.P.),
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Brajesh Prasad Gupta, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Sharma, A.P.P.
	Mr. Abhash, Advocate
	Mr. PMM Prasad, Mr. Raju Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-09-2024 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 498A and 406 of the Indian Penal
Code.

3. Allegation against the petitioner is of matrimonial
cruelty and demand of dowry. Mediator's report dated 2.8.2024
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. Learned counsel for the State as well as opposite
party no.2 oppose the prayer for bail.



5. 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 Additional Chief Judicial Magistrate I, Kaimur at Bhabua in Complaint Case No. 1089 of 2016, 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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