

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31657 of 2024

Arising Out of PS. Case No.-1339 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Prabhu Mandal S/o Chandra Mandal R/o vill - Naya Tola, Bajrangwali Asthan, P.S. - Budhuchak, Distt. - Bhagalpur
 2. Santosh Kumar Mandal S/o Chandra Mandal @ Teti Mandal R/o vill - Naya Tola, Bajrangwali Asthan, P.S. - Budhuchak, Distt. - Bhagalpur
 3. Kamli Devi W/o Chandar Mandal R/o vill - Naya Tola, Bajrangwali Asthan, P.S. - Budhuchak, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi W/o Prabhu Mandal R/o vill - Naya Tola Kachharia, P.S. - Budhdhuchak, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dhananjay Pandey, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, APP
	Mr. Dilip Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-08-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for complainant / opposite party no. 2.

2. The petitioners apprehend their arrest in a complaint case punishable for the offences under Sections 498A, 323, 341, 34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. Petitioners are alleged to have committed torture and harassment to opposite party no. 2 for dowry. Petitioner no.



1 is husband, petitioner no. 2 brother-in-law and petitioner no. 3 is mother-in-law of the opposite party no. 2.

4. Learned counsel for the petitioners submits that Petitioner nos. 2 & 3 are separate in mess and property and have got no concern with the affairs of opposite party no. 2. There is general & omnibus allegation of demand of dowry and committing torture against petitioners. However, the petitioner no. 1, who is husband of opposite party no. 2, offers and undertakes that he is ready to give maintenance amount of Rs. 3,000/- per month, starting from this month, to opposite party no. 2.

5. In view of the undertaking of learned counsel for the petitioners that petitioner no. 1 is ready to give maintenance amount of ***Rs. 3,000/- (three thousand) per month*** to the opposite party no. 2, the prayer for bail of petitioners is allowed.

6. In the event of arrest/surrender within a period of six weeks from today, let the above-named petitioners be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur / concerned court in connection with Complaint Case No. 1339(C) of 2015, 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 no. 1.
- (2) Petitioner no. 1 would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party no. 2.
- (3) In case, the petitioner no. 1 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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