

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35668 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- MAHILA PS District- Darbhanga

1. Afroz Alam S/o Md. Murtuza R/o vill - Kadarabad, P.s. - Bachhawara, Distt. - Begusarai
2. Sabina Khatoon W/o Firoz Alam R/o vill - Kadarabad, P.s. - Bachhawara, Distt. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Raushan D/o Late Md. Azimullah R/o vill - Barhi, P.S. - Kewati, Distt. - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

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

Mr. Sada Nand Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-09-2024 Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Centre of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report kept at flag 'A').

2. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant / opposite party no. 2.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 323, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



4. Petitioner no. 1 is husband of informant/O.P.No.2 and he is alleged to have committed torture and harassment with her for dowry. Petitioner no. 2 is *Gotni* (sister-in-law) of O.P.No.2 and she is separate in mess and property and has got no concern with the family affairs of O.P.No.2 and her husband.

5. Learned counsel for the petitioners submits that petitioner no.1 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.

6. 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/- (Rupees three thousand) per month*** to the opposite party no. 2, in the event of arrest/surrender within a period of eight weeks from today, let the above-named petitioner 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 Chief Judicial Magistrate, Darbhanga / concerned Court in connection with Darbhanga Mahila P.S. Case No. 50 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 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 bail-bonds of both petitioners.
- (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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