

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33351 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- MAHILA P.S. District- Patna

SHIVENDRA KUMAR MISHRA @ SHIVENDRA MISHRA s/o of
Harendra Kumar Mishra @ Harendra Mishra Resident of Village- Laluchak
(Angari), P.S.- Ishakchak, district- Bhagalpur at present noida Power
Company Ltd. Knowledge Park-IV, Greater Noida, Uttar Pradesh

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Swati Kumari D/o Niraj Mishra Resident of Office Quarter, Police Line,
P.S.- Buddha Colony, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Dhananjay Kumar Pandey, Advocate
For the State	:	Dr. Indivar Kumari, APP
For Opposite Party No.2	:	Mr. Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-02-2024 Heard learned counsels for the parties.

2. The petitioner, husband of the complainant/O.P.-2,
apprehends his arrest in Mahila P.S. Case No. 144 of 2022
registered for the offence punishable under Sections 498A, 313
and 34 of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

3. As per complaint case, this petitioner is alleged to
have committed torture and harassment with the
complainant/O.P.-2 due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner is ready to give maintenance amount of Rs. 10,000/-



(ten thousand rupees) per month, starting from this month, to complainant/O.P.-2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of ***Rs. 10,000/- (Ten thousand rupees) per month to complainant/O.P.-2***, in the event of arrest/surrender within a period of six weeks from today, let the petitioner, above-named, 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 learned Judicial Magistrate 1st Class, Patna, in connection with Mahila P.S. Case No. 144 of 2022, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:

“(A.) Complainant/O.P.-2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(B.) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the complainant/O.P.-2.

(C.) 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.

(D.) 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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