

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46922 of 2023

Arising Out of PS. Case No.-675 Year-2018 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Bhibuti Mehta @ Vibhuti Kumar Son Of Upendra Narin Mehta Vill Tarawe
Ward No 6 Po Kaurihar Ps Gamharia Distt Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saraswati Devi Wife Of Bhibuti Mehta Resident Of Village- Tarawe, Ward
No. 6, Po- Kaurihar, Ps- Gamhariya, Dist- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mrs.Sharda Kumari
Mr.Praveen Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2024 Earlier, the matter was referred to the District

Mediation Centre, Madhepura, but from perusal of report of the

Mediator dated 17.10.2023, it appears that the dispute between

the parties could not be resolved through the process of

mediation and as such, mediation failed (Report at flag 'A').

2. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the complainant /

opposite party no. 2.

3. The petitioner, who is husband of opposite party

No. 2, apprehends his arrest in a complaint case punishable for

the offences under Section 498(A) of the Indian Penal Code and

Section 3 / 4 of the Dowry Prohibition Act.



4. Petitioner is alleged to have committed torture and harassment to opposite party no. 2 for dowry.

5. Learned counsel for the petitioner submits that the petitioner 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 petitioner that petitioner 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 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 S.D.J.M., Madhepura in connection with Complaint Case No. 675 of 2018, 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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