

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53930 of 2023

Arising Out of PS. Case No.-1468 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Arun Kumar Sah Son of Late Rameshwar Sah Resident of village - Kalyanpur, Bazar, P.S. - Kalyanpur, Distt. - East champaran. At present Senior Manager, PNB, Highway Branch, Tinsukiya (Assam) Resident of Mohalla Najdik, P.s. - Tinsukiya, distt. - Tinsukiya (Assam)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari W/o Arun Kumar Sah, d/o Shiv Narayan Prasad Resident of village - Kalyanpur Bazar, P.S. - Kalyanpur, Distt. - East Champaran. At present Resident of village - Chhota Bariyarpur, ward no. 38, South of Durga chowk, Shiv Nagar, Gali No. 1, P.s. - Chhatauni, Distt. - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ranjeet Patel, Advocate
For the State	:	Mr. Madan Kumar, APP
For the O.P.2	:	Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 08-05-2024 Earlier, the matter was referred to the District Mediation Centre, East Champaran, Motihari, but from perusal of report of the Mediator dated 04.01.2024, 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 Sections 498(A), 323 and 34 of the Indian Penal Code .

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. 5,000/- 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. 5,000/- (Rupees five 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., Sadar, Motihari, East Champaran in connection with Complaint Case No. 1468(C) of 2021, 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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