

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62645 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- COMPLAINT CASE District- Lakhisarai

1. Nandlal Chaudhary S/O Late Lakhan Chaudhary Resident Of Loharpatti Purani Bazar, Ps. Lakhisarai, Dist. Lakhisarai
2. Rita Devi W/O Nandlan Chaudhary Resident Of Loharpatti Purani Bazar, Ps. Lakhisarai, Dist. Lakhisarai
3. Ravi Kumar S/O Nandlan Chaudhary Resident Of Loharpatti Purani Bazar, Ps. Lakhisarai, Dist. Lakhisarai

... .. Petitioners

Versus

1. The State Of Bihar
2. Nilam Kumari W/O Late Akash Choudhary R/O- Chhoti Dargah Ward No. 11 Loharpatti, P.O. And Ps. And Dist. Lakhisarai At Present R/O Ward No. 31, Bari Kawaiya, Naya Bazar, Po. And Ps. And Dist. Lakhisarai

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Rajnish Chandra, Advocate
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, A.P.P.
		Mr. S.Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 18-09-2024 Heard learned counsel for the petitioners, the State and the opposite party no.2.

2. Petitioners, apprehend arrest in a case registered for the offence punishable under Sections 498A, 406, 504/34 of the Indian Penal Code.

3. Petitioners no.1 and 2 are father-in-law and mother-in-law of opposite party no.2, whereas petitioner no.3 is her brother-in-law (dewar). Marriage of opposite party no.2 was performed with one Akash Choudhary on 27.2.2020 and out of the wedlock she has a 1 ½ years old male child. Husband of opposite party no.2 died due to sun stroke on 19.4.2022. Thereafter, petitioners are alleged to have tortured and ousted opposite party no.2 from the matrimonial house.

4. Mediator's report dated 24.4.2024 reveals that in



spite of efforts, dispute between the parties could not be resolved through process of mediation. However, learned counsel for the petitioners, though denies the allegation, submits that the petitioners are ready to co-operate with opposite party no.2 and have no objection if she would reside in her matrimonial house. That apart, they offer and undertake that they are ready to give Rs. 3000/-per month, starting from this month to the opposite party no.2.

5. In general, the obligation to provide maintenance typically falls on the husband or the father of the children. However, in certain jurisdictions, a father-in-law may be required to provide maintenance under specific circumstances, especially if the deceased wife had no means of support or if there are children involved who require care.

6. In that view of the matter, since the petitioners are willing to give Rs. 3000/- per month, in the event of arrest/surrender within a period of eight weeks from today, above-named petitioners 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 the Chief Judicial Magistrate, Lakhisarai in Lakhisarai Complaint Case No. 311C/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

(i) Opposite party no.2. would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioners.

(ii) Petitioners would deposit the aforesaid amount per month in the saving bank account of the opposite party no.2.

(iii) In case, petitioners fail to deposit the maintenance



amount for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(iv) The aforementioned payment will be subject to any order passed by the court below in such proceedings.

(v) Present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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