

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66362 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- PALANWA District- East Champaran

Himanshu Yadav Son of Rajkishore Rai @ Rajkishore Yadav R/o vill -
Dainiya Tola, P.S. - Palanawa, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amar Yadav Son of Late Bhola Yadav R/o vill - Laximipur Pokhariya, P.S. - Adapur, Distt. - East Champaran
3. Nirmala Devi Wife of Himanshu Yadav, D/o Amar Yadav R/o vill - Dainiya Tola, P.S. - Palanawa, Distt. - East champaran, At present residing at vill - Laximipur Pokhariya, P.s. - Adapur, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rakesh Kumar
For the Opposite Party/s :	Mr.Anant Kumar 1
	Mr.Madhurendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-07-2024 At the outset, learned counsel for both parties submit that dispute between the parties could not be resolved through the process of mediation and as such, mediation failed.

2. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of opposite party no. 2 & 3.

3. The petitioner, who is husband of opposite party no. 3 (Nirmala Devi), apprehends his arrest in a case registered for the offences punishable under Sections 324, 307, 504, 437, 341, 323, 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 with opposite party no. 3 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. 3.

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. 3, 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 learned S.D.J.M., Raxaul Motihari, East Champaran in connection with Palanawa P.S. Case No. 70 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. 3 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. 3.

- (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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