

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70567 of 2023**

Arising Out of PS. Case No.-144 Year-2023 Thana- BIRAUL District- Darbhanga

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Rajesh Yadav Son of Ramjatan Yadav R/o vill - Koyalajan, P.S. - Biraul, Dist.
- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi D/o Jahuri Lal Yadav R/o vill - Kumai, P.S. - Ghanshayampur,
Distt. - Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, APP
For O.P. No. 2	:	Mr. Girish Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-02-2024 1. Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

2. The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Biraul P.S. Case No.
144 of 2023 registered for the offences punishable under
Sections 498 A and 34 of the Indian Penal Code and Section 3/ 4
of the Dowry Prohibition Act.



3. At the outset it is submitted that petitioner never solemnized his marriage with Kanchan Devi, as alleged by informant/O.P. No. 2.

4. The allegation against the petitioner is to commit cruelty against O.P. No. 2/wife.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife. Learned counsel also filed statement of complainant/O.P. No. 2/wife, where she stated during enquiry that she wanted to lead her conjugal life with petitioner. It is submitted that O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs. 3,000/- as an ad-interim maintenance amount to O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before Learned Trial Court.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay ad-interim maintenance amount of Rs. 3,000/- to O.P. No. 2/wife, till disposal of the case, accordingly the



petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Biraul, Darbhanga/concerned Court below where the case is pending in connection with Biraul P.S. Case No. 144 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 3,000/- as an ad-interim maintenance amount to O.P. No. 2/wife on or before 7th day of English calendar month. Payment for the month of February be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of March onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner, on his cost, if any.



(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2.

(iii) Both conditions as above shall remain in force till finding of learned Family Court on maintenance issue. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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