

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73041 of 2023

Arising Out of PS. Case No.-875 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

AMAY KUMAR @ SUBHAM KUMAR S/O RAVIKANT SINGH R/O
VILLAGE AND POST- PANAPUR, DHARAMPUR, HAJIPUR, P.S-
BIDUPUR, DISTT.- VAISHALI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ARUNA KUMARI W/O AMAY KUMAR R/O VILLAGE AND POST- PANAPUR, DHARAMPUR, HAJIPUR, P.S- BIDUPUR, DISTT.- VAISHALI-8444111, AT PRESENT D/O BRAHMDEO SINGH, R/O MOHALLA- ATARDAH, POST- RAMNA, P.S- SADAR, DISTT.- MUZAFFARPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar , Advocate
For the Opposite Party/s	:	Mr. Nityanand , APP
For OP 2	:	Ravish Mishra, Advocate
		Kanupriya, Advocate
		Abhishek Anand , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-07-2024 Heard learned counsel for the parties.

2. The petitioner who is husband of opposite party

No. 2 apprehends arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and 4 of the D. P Act.

3. Earlier, the matter was referred to the Mediation Center to resolve the dispute between the parties, from the Mediator's Report dated 14.05.2024 it appears that the dispute between the parties has been resolved. But later on the settlement could not materialise .



4. By way of filing supplementary affidavit, learned counsel for the petitioner submits that on 10.04.2024, the complainant misbehaved with the father of the petitioner and abused mother of the petitioner and said she did not want to live with the petitioner. The complainant also threatened the petitioner to lodge a false case against him. However, petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3000/- per month, starting from this month, to opposite party No. 2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3000/- (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 learned SDJM, East Muzaffarpur in connection with Complaint Case No. 875 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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