

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74064 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Neelkamal Sharma Son of Sameer Sharma @ Samir Kumar Sharma R/o vill -
Narsinghdeh, P.S. - Sambhuganj, Distt. - Banka, Presently reside at
Sultanganj, near Bhawani Kutir Pul, P.s. - Sultanganj, Dist - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smita Kumari W/o Neel Kamal Sharma, D/o Ram Niwas Singh R/o vill -
Telghi, ward no. 4, P.S. - Kharik, Distt. - Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shashi Saurabh, Advocate
For the Opposite Party/s :	Mr. Khurshid Anwar, APP
	Mr. Pramod Kumar Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-07-2024 Earlier, vide order dated 05.03.2024, the matter was referred to Mediation & Conciliation Centre of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report dated 27.06.2024 is at flag 'M').

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)/34 of the Indian Penal Code.



4. Petitioner is alleged to have committed torture and harassment with 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. 3,000/- 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. 3,000/- (Rupees 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 A.C.J.M. - I, Naugachhia, District - Bhagalpur in connection with Complaint Case No. 494 of 2022, subject to the conditions, as 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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