

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78191 of 2023

Arising Out of PS. Case No.-255 Year-2020 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Mollu Chaudhary @ Mallu Chaudhary @ Malhu Chaudhary Son Of Indal Chaudhary R/O Village/Mohalla- Andauli Bhaja Bigha, P.S.- Saksohara, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi, wife of Mollu Chaudhary D/o Kachhu Chaudhary, R/o Vill. Sarmanan, P.S. Hathiyawa, Distt. Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-07-2024 Pursuant to order dated 07.03.2024, 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 16.05.2024 is available 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 323, 341, 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.



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 S.D.J.M., Sheikhpura in connection with Complaint Case No. 255-C of 2020, 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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