

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72569 of 2023**

Arising Out of PS. Case No.-835 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Ashutosh Kumar Srivastav @ Ashutosh Kumar Shrivastava Son Of Sri  
Rakesh Kumar Srivastava R/O B-225 (B-3), Bhadaini, P.S.- Bhelupur,  
Varanasi, Uttar Pradesh, Pin- 221001

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Namita Srivastava D/O Sri Manoj Kumar Srivastava R/O Village-  
Pratappatti, P.O.- Karnaul, P.S.- Sahebganj, District- Muzaffarpur, Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                       |
|--------------------------|---|-----------------------|
| For the Petitioner/s     | : | Mr.Praveen Prabhakar  |
| For the Opposite Party/s | : | Mrs.Pushpa Sinha. I   |
|                          |   | Mr.Krishna Kant Singh |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      18-04-2024                      Heard learned counsel for petitioner, learned A.P.P.  
  
for the State and learned counsel for the complainant/O.P.-2.

2. 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, 498A of the Indian Penal  
Code and Section 4 of the Dowry Prohibition Act.

3. Petitioner is alleged to have committed torture and  
harassment to opposite party no. 2 for dowry.

4. Earlier, the matter was referred to the Mediation  
Center to resolve the dispute between the parties, but from  
perusal of Mediator's Report dated 10.04.2024 (Flag 'M'), it



appears that the mediation between the parties has failed.

5. Learned counsel for the petitioner submits that the 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.

6. 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 S.D.J.M. (West), Muzaffarpur in connection with Complaint Case No. 835 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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