

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70421 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- MAHILA PS District- East Champaran

RADHEY SHYAM S/o Vinay Singh R/v- Madhopur Damu, P.S.- Kalyanpur,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. RASHMI KUMARI @ PUJA KUMARI W/o Radhe Shyam D/o Late Chandeshwar Prasad Singh R/v- Dwarika Nathpur, P.O. and P.S. - Kajra, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-02-2024 Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel appearing for the
OP No.2.

2. The petitioner seeks bail in anticipation of his arrest in a case registered in connection with Trial No. 2609/2022 arising out of Motihari Mahila PS Case No. 24 of 2021 dated 07.04.2021 for the offences punishable under Sections 498(A), 34 of the Indian Penal Code and Sections 3/4 if the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that the dispute was referred to learned mediator but then the mediation proceedings failed. It is next submitted that the



petitioner is alleging that the OP No.2 is in extramarital relation while OP No.2 is alleging that it is petitioner who is in extramarital relation. It is further submitted that though it is not possible to continue with the relationship as the allegation alleged against the petitioner is false but then petitioner being the husband is willing to pay monthly maintenance of Rs. 6,000/- to OP No. 2 which shall commence from 1st of March 2024.

4. Learned counsel appearing on behalf of OP No. 2, in view of submissions made on behalf of the petitioner, submits that O.P. No.2 shall have no objection in the event the present anticipatory bail application is allowed. Learned counsel for the O.P. No.2 next submits that he will seek bank account number of O.P. No.2 on his whatsapp and will forward the same to the whatsapp number of the learned counsel appearing on behalf of the petitioner so that monthly maintenance commences from 01.03.2024.

5. Considering the submissions made by the learned counsel for the parties, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar, East Champaran, Motihari where the case is pending in connection with Trial No. 2609/2022 arising out of Motihari Mahila PS Case No. 24 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. However, it is made clear that in the event, the petitioner does not pay the monthly maintenance as agreed for two consecutive months, the OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the bail granted to the petitioner.

(Satyavrat Verma, J)

perwez

U		T	
---	--	---	--

