

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73411 of 2023

Arising Out of PS. Case No.-658 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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PANKAJ KUMAR DUBEY S/O LATE GAUTAM DUBEY VILLAGE-
BHITTHI SHAHABUDDIN, PS. BANIYAPUR, DIST. SARAN AT
CHAPRA AT PRESENT- NEW COURT ROAD, HIJI GUDI, PS. SADAR
TINSUKIA, DIST. TINSUKIYA (ASAM)

... .. Petitioner/s

Versus

1. The State of Bihar
2. KAJAL KUMARI W/O PANKAJ KUMAR DUBEY, D/O NITYANAND
UPADHYAY AT PRESENT R/O VILLAGE-MIRPUR JUARA, PS.
AWATAR NAGAR, DIST. SARAN AT CHAPRA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Dwivedi , Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha.1, APP
For OP 2	:	Ajay Kumar Sharma, Advocate

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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 Sections 323 and 498A of the Indian Penal
Code and 3/ 4 of the D. P Act.

3. Earlier, the matter was referred to the Mediation
Center to resolve the dispute between the parties but from the
Mediator's Report dated 16.05.2024 it appears that the
mediation between the parties has failed.

4. 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.

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 Saran at Chapra in connection with Complaint Case No. 658 of 2023, 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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