

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75988 of 2023

Arising Out of PS. Case No.-901 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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PARAG KUMAR SINGH S/O LATE BIRENDRA KUMAR SINGH
MOHALLA- TEACHERS COLONY LAKHIBAGH, MANPUR,GAYA,
PS.MUFFASIL, DIST. GAYA AT PRESENTRESIDING AT E-275/276 2ND
FLOOR, GANDHI BIHAR, NEAR MUKHARJEE NAGAR, DELHI

... .. Petitioner/s

Versus

1. The State of Bihar
2. POONAM KUMARI D/O SUBHASH CHANDRA GUPTA, W/O PARAG KUMAR SINGH MOHALLA- RAJ NAGAR,P.P.S. MORE, PS. DANAPUR, DIST. PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Shubhangi Pandey, Mr. Indra Bhushan Tiwary, Advocates
For the Opposite Party/s :		Mr. J.K. Singh, APP
For complainant	:	Mr. Sarwan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 30-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 901C/ of 2022 instituted under section 498A of the IPC and section 3/4 of the D.P. Act lodged by the complainant, Poonam Kumari.

3. Allegation is there, this Court wanted an amicable settlement and despite the mediation having been failed as early as in the month of March, 2024, on 10.04.2024, 19.07.2024 as also on 02.08.2024, adjournments were made by this Court/Co-ordinate Bench. However, there is no chance of an amicable



settlement, for the present.

4. Learned counsel for the petitioner, on instruction of the petitioner, submits that so long as there is relationship between the couple, the husband is ready to pay Rs. 10,000/- by 10th of every month beginning from September, 2024 in the account number/bank details to be provided by the lady and incorporated herein below:-

“Poonam Kumari, Punjab National Bank, A.P. Colony, Gaya. Account No. 4923000100081475.”

5. If and when the lady files maintenance case, any order passed by the competent civil court, this order shall merge with the said order. If the amount granted by the civil court is lesser than what is being accepted by the petitioner, he will not be entitled for any refund.

6. Considering the fact that the complaint has been lodged, ultimately, he will be facing trial, sending the petitioner to jail will not serve any purpose, in that background, the present petition is allowed.

7. Let the petitioner, named above, be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each in connection with Complaint Case No. 901C/ of 2022 to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the following conditions.

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(v) this is subject to regular payment of the petitioner of Rs. 10,000/- in the **Account No. 4923000100081475** of Punjab National Bank, A.P. Colony, Gaya and failure to do so,



the complainant shall be free to file petition for cancellation of
his bail bond.

(Rajiv Roy, J)

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