

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78370 of 2023

Arising Out of PS. Case No.-431 Year-2021 Thana- BUDDHACOLONY District- Patna

1. Meena Devi W/O Kariyanand Rajak @ Karu Rajak R/O - Purani Bazaar, Chitranjan Road Ps Lakhisarai District Lakhisarai
2. Nirmala Devi @ Nirmala Kumari W/O Ajay Rajak R/O - Purani Bazaar, Chitranjan Road Ps Lakhisarai District Lakhisarai
3. Karyanand Rajak @ Karu Rajak Son Of Late Jagdish Rajak R/O - Purani Bazaar, Chitranjan Road Ps Lakhisarai District Lakhisarai
4. Vinod Rajak @ Vinod Kumar Rajak Son Of Late Jagdish Rajak R/O - Purani Bazaar, Chitranjan Road Ps Lakhisarai District Lakhisarai
5. Ajay Rajak Son Of Late Jagdish Rajak R/O - Purani Bazaar, Chitranjan Road Ps Lakhisarai District Lakhisarai
6. Rupesh Rajak @ Rupesh Kumar Son Of Late Jagdish Rajak R/O - Purani Bazaar, Chitranjan Road Ps Lakhisarai District Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Niharlika, D/o Prem Rajak, R/o North Mandiri, PO GPO Main, PS Buddha Colony, District Patna PIN 800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhumay Madhup Mr. Nishikant, Mr. Aditya Raj
For the Opposite Party/s	:	Mr.Binod Kumar No. 3,APP Mr.Yogendra Tiwari Mr. Milind Kumar Mishra Mr. Sanjay Kumar@Maurya

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-04-2024 Heard learned counsel for petitioners, learned A.P.P.

for the State and learned counsel for the informant/opposite

party no. 2.

2. The petitioner no. 6 is husband whereas petitioner
no. 1 to 5 are in-laws family members of opposite party no.2
and they apprehend their arrest in a case registered for the



offences under Sections 498A, 379, 420 & 34 of the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition Act.

3. Petitioners are 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 15.04.2024, it appears that the mediation between the parties has failed.

5. Learned counsel for the petitioners submits that husband of opposite party no. 2 namely Rupesh Rajak @ Rupesh Kumar (petitioner no. 6) offers and undertakes that he is ready to give maintenance amount of Rs. 5,000/- per month, starting from this month, to opposite party No. 2.

6. In view of the undertaking of learned counsel for the petitioners that petitioner no. 6 is ready to give maintenance amount of **Rs. 5,000/- (five 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 no. 1 to 6 be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Buddha Colony P.S. Case No. 431 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 no. 6.
- (2) Petitioner no. 6 would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party No. 2.
- (3) In case, the petitioner no. 6 fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail-bond of all these petitioners.
- (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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