

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 80013 of 2023

Arising Out of PS. Case No.-555 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Sunil Yadav @ Sunil Kumar Yadav @ Munib, S/o Shiv Kumar Yadav @
Dhuman Yadav, R/o Village- Haldi, P.S- Haldi, Distt.- Baliya (U.P).

... .. Petitioner

Versus

1. The State of Bihar
2. Sabita Devi D/O Parasuram Yadav R/O Village- Budhanpurva, P.S-
Buxar(T), Distt.- Buxar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel appearing on behalf of

the petitioner and learned A.P.P. for the State duly

assisted by learned counsel for the complainant/O.P.

No.2.

2. The accused/petitioner is named in the

complaint and apprehending his arrest in connection with

Complaint Case No.555(C) of 2018 in which cognizance

has been taken for the offences punishable under

Section 498-A of the Indian Penal Code and Section 4 of

the Dowry Prohibition Act.



3. The allegation against the petitioner is to commit cruelty against O.P. No. 2/wife and demanded dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife with full honour and dignity. Learned counsel submits that petitioner has been falsely implicated with present case. The allegation regarding dowry demand and cruelty appears general and omnibus and, moreover, as a good gesture he is ready to pay Rs. 3,000/- as an *ad-interim* maintenance amount to O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before learned Trial Court.

5. Learned A.P.P. for the State duly assisted by learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioner.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as



petitioner is ready to pay *ad-interim* maintenance amount of Rs. 3,000/- to O.P. No. 2/wife, accordingly, the petitioner, above named, in the event of his arrest or surrender before the court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No.555(C) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and with further conditions :-

(i) Petitioner shall pay Rs. 3,000/- as an *ad-interim* maintenance amount to O.P. No. 2/wife on or before 7th day of English calendar month. Payment for the month of **March** be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of **April** onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his



expenditure, if any.

(ii) If petitioner fails to pay *ad-interim* maintenance for two consecutive months, the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2/wife.

(iii) Aforesaid conditions shall remain operational till finding of Family Court. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J)

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