

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79384 of 2023

Arising Out of PS. Case No.-402 Year-2023 Thana- BUDDHACOLONY District- Patna

Kumar Gaurav S/O Ravi Ray R/O Krischan Colony, Nirmala Apartment,
Lodipur, P.S- Buddha Colony, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Alpana Kumari D/O Shankar Prasad Yadav R/O Bihari Sao Lane, Bankipur,
P.S- Pirbahore, Distt. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha
For the Opposite Party/s : Mr.Ahmad Ali
Mr.Raju Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-04-2024 Heard learned counsel for petitioner, learned A.P.P. for
the State and learned counsel for the informant/opposite party
no. 2.

2. The petitioner, who is husband of informant,
apprehends his arrest in a case registered for the offences under
Section 498A of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

3. Petitioner is 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 21.03.2024 (flag 'M'), it



appears that mediation has failed.

5. Learned counsel for the petitioner submits that in compliance to the Hon'ble Court's order dated 18.01.2024, the petitioner is paying Rs. 5,000/- (Rupees Five thousand) per month to the opposite party no. 2 by 25th day of every month.

6. Considering the fact that petitioner is paying Rs. 5,000/- (Rupees Five thousand) per month to the opposite party no. 2, as maintenance amount, 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 Judicial Magistrate 1st Class, Patna in connection with Budha Colony P.S. Case No. 402 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure with further following conditions:-

- “(1) Petitioner would deposit the aforesaid maintenance amount i.e. Rs. 5000/- per month in the savings bank account/post office account of the opposite party no. 2 by 25th day of every month.
- (2) 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.

- (3) 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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