

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79798 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Laxman Yadav son of Ganga Ram Yadav Village- Baira Ps- Jaynagar Dist-
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari W/o Laxman Yadav, D/O Jaiprakash Yadav R/V - Kataiya, P.S.
Basopatti, Distt.- Mdhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-03-2024 1. Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the complaint

petition and apprehended his arrest in connection with

Complaint Case No. 68 of 2023 in which cognizance has been

taken for the offences punishable under Section 498 A, 323 and

494 of the Indian Penal Code.

3. The allegation against the petitioner is to commit

cruelty against O.P. No. 2/wife.

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. Learned counsel also filed statement of O.P. No. 2/wife, where she stated during enquiry that she wanted to lead her conjugal life with petitioner. It is pointed that allegation of cruelty and demand of dowry appears general and omnibus. It is submitted that O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs. 3,500/- 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 APP appearing on behalf of the State, opposes the prayer for bail.

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. 3,500/- to O.P. No. 2/wife, till disposal of the case, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Madhubani/concerned Court where the case is pending in connection with Complaint Case No. 68 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 3,500/- 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 onward 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.



(iii) Both conditions as above shall remain in force till finding of learned Family Court on maintenance issue. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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