

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77282 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Sushil Kumar Yadav S/O- Ram Sogarath Yadav Village- Kalwara Ps-
Singhwara Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Devi wife of Shushil Kumar Yadav village- Kalwara PS- Singhwara
Dist- Darbhanga A/P- Village- Simri Ps- simri Dist- Darbhanga

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 82451 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Sangeeta Devi @ Sangita Devi Wife Of Sushil Kumar Yadav Resident Of
Village- Kalwara, Police Station- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Devi Wife Of Sushil Kumar Yadav Resident Of Village- Kalwara,
Police Station - Singhwara, District- Darbhanga, Daughter Of Rajendra
Yadav, Resident Of Village- Simri, Police Station- Simri, District-
Darbhanga

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 77282 of 2023)

For the Petitioner/s : Mr.Mazharul Hassan

For the Opposite Party/s : Mr.Sanjay Kumar

Mr.Pankaj Kumar Das

(In CRIMINAL MISCELLANEOUS No. 82451 of 2023)

For the Petitioner/s : Mr.Mazharul Hassan

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 08-05-2024 Earlier, for exploring the possibility of amicable
settlement between the parties, both the aforesaid cases were
referred to Mediation & Conciliation Centre of Patna High
Court, vide order dated 05.03.2024, but from perusal of report



of Mediation Centre dated 06.05.2024, kept at flag 'M', the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed.

2. Heard learned counsel for the petitioner in both the cases, learned A.P.P. for the State in both cases and learned counsel for the complainant / opposite party no. 2.

3. The petitioner namely Sushil Kumar Yadav (in Cr.Misc. No. 77282/2023), who is husband of opposite party No. 2, and petitioner Sangeeta Devi @ Sangita Devi (in Cr.Misc. No. 82451/2023), who is second wife of Sushil Kumar Yadav (petitioner in Cr.Misc. No. 77282/2023) apprehend their arrest in a complaint case punishable for the offences under Sections 323, 341, 380, 494, 498(A), 504, 506/34 of the Indian Penal Code, in which, learned S.D.J.M. took cognizance under Section 498(A) of the Indian Penal Code.

4. Petitioners are alleged to have committed torture and harassment to opposite party no. 2 for dowry.

5. Learned counsel for the petitioner/Sushil Kumar Yadav submits that petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3,000/- per month, starting from this month, to opposite party no. 2.

6. In view of the undertaking of learned counsel for



the petitioner/Sushil Kumar Yadav that petitioner/Sushil Kumar Yadav is ready to give maintenance amount of **Rs. 3,000/- (Rupees three thousand) per month** to the opposite party no. 2, both the aforesaid bail petitions are allowed.

7. In the event of arrest/surrender within a period of six weeks from today, let the petitioner in aforesaid two cases namely Sushil Kumar Yadav and Sangeeta Devi @ Sangita Devi 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 S.D.J.M., Darbhanga in connection with Complaint Case No. 09 of 2023, Tr. No. 2382 of 2023, 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/Sushil Kumar Yadav.
- (2) Petitioner/Sushil Kumar Yadav would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party no. 2.
- (3) In case, the petitioner/Sushil Kumar Yadav fails to deposit the maintenance amount for two consecutive months, the court below would be



at liberty to cancel the bail-bond.

- (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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