

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81240 of 2023

Arising Out of PS. Case No.-378 Year-2021 Thana- SIWAN COMPLAINT CASE District-
Siwan

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SHYAM SINGH S/O SHAMBHU NATH SINGH VILLAGE- ITAHARI, PS.
RASULPUR, DIST. SARAN.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NIDHI SINGH W/O SHYAM SINGH R/O VILLAGE- ITAHARI, P.S-
RASULPUR, DISTT.- SARAN AT PRESENT D/O LATE BIRENDRA
SINGH, R/O VILLAGE- KHULASHA, P.O- MADHOPUR, P.S- JAMO
BAZAR, DISTT.- SIWAN.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-04-2024 Heard learned counsel for the parties.

2. The petitioner who is husband of opposite party
No. 2 apprehends arrest in a case registered for the offences
punishable under Sections 323, 498A, 406 and 34 of the Indian
Penal Code .

3. Earlier, the matter was referred to the Mediation
Center to resolve the dispute between the parties but from the
Mediator's Report dated 21.03.2024 it appears that the
mediation between the parties has failed.

4. Learned counsel for the petitioner submits that the
petitioner offers and undertakes that he is ready to give



maintenance amount of Rs. 3000/- per month, starting from this month, to opposite party No. 2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3000/- (three 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 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 Chief Judicial Magistrate – III , Siwan in connection with Complaint Case No. 378 of 2021 (Trial No. 1826 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.

(2) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party No. 2.

(3) 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.

(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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