

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83402 of 2023

Arising Out of PS. Case No.-369 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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DURGESH SAH @ DURGESH KUMAR SON OF LAL BAHADUR SAH
RESIDENT OF VILLAGE-BALHIPUR, P.S ANDAR DISTRICT- SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NILAM DEVI D/O GANDHI SAH R/O VIL - BALHIPUR, P.S - ANDAR,
DISTT. -SIWAN, AT PRESENT R/O MAJHWALIYA TOLE MAKHUA,
P.S. - JAMOBABAZAR, DISTT. - SIWAN

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Prabhakar Singh, Advocate Ms. Rana Neha Kumari, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For Opposite Party No.2	:	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-07-2024 Heard learned counsels for the parties.

2. The petitioner, husband of the complainant/O.P.-2, apprehends his arrest in Complaint Case No. 369 of 2022 registered for the offence punishable under Sections 498A, 323, 506 and 504 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. As per complaint case, this petitioner is alleged to have committed torture and harassment with the complainant/O.P.-2 due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner is ready to give maintenance amount of Rs. 3,000/-



(three thousand rupees) per month, starting from this month, to complainant/O.P.-2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of ***Rs. 3,000/- (three thousand rupees) per month to complainant/O.P.-2***, in the event of arrest/surrender within a period of six weeks from today, let the petitioner, above-named, 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 Sub-Divisional Judicial Magistrate, Siwan, in connection with Complaint Case No. 369 of 2022, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:

“(A.) Complainant/O.P.-2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(B.) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the complainant/O.P.-2.

(C.) 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.

(D.) 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)

shashank/-

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