

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86553 of 2023

Arising Out of PS. Case No.-1160 Year-2022 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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BIRJU KUMAR GUPTA SON OF SHANKAR SAH R/O VILLAGE-
KARGAHAR, P.S.- KARGAHAR, DIST- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANDHAYA KUMARI @ SANDHAYA DEVI WIFE OF BIRJU KUMAR GUPTA R/O VILLAGE- KARGAHAR, P.S.- KARGAHAR, DIST.- ROHTAS AT SASARAM, PRESENT RESIDING AT SANDHAYA KUMARI @ SANDHAYA DEVI, D/O- YUGESHWAR SAH , R/O VILLAGE AND P.O.- AALMPUR, P.S.- SHIVSAGAR, (BADDI), DIST.- ROHTAS AT SASARAM

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhotelal Mishra, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 27-08-2024 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 Section 498A of the Indian Penal Code and 3/ 4 of the D. P Act.

3. Earlier, the matter was referred to the Mediation Center to resolve the dispute between the parties but from the Mediator's Report dated 19.08.2024 , 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 SDJM. Rohtas (Sasaram) in connection with Complaint Case No. 1160 of 2022 , 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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