

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.253 of 2024

Arising Out of PS. Case No.-275 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

-
1. Sunil Yadav @ Sunil Kumar Yadav Son of Vijay Kumar Yadav R/o vill - Chakki (Chunni Dera), P.S. - Brahmpur, Distt. - Buxar
 2. Vijay Kumar Yadav Son of Late Mahanth Yadav R/o vill - Chakki (Chunni Dera), P.S. - Brahmpur, Distt. - Buxar
 3. Usha Devi W/o Vijay Yadav R/o vill - Chakki (Chunni Dera), P.S. - Brahmpur, Distt. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi W/o Sunil Yadav @ Sunil Kumar Yadav R/o vill - Chakki (Chunni Dera), P.S. - Brahmpur, Distt. - Buxar, At present R/o D/o Fagu Yadav R/o Vill - Durashan, Post - Dumari, P.s - Simri, Dist. - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Pandey, Advocate
For the Informant	:	Mr. Rakesh Kumar Jha, Advocate
	:	Mr. Kanhaiya Tiwari, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-03-2024 **1.** Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the complaint petition and apprehended their arrest in connection with Complaint Case No. 275 C of 2021 in which cognizance has been taken for the offences



punishable under Section 498 A of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

3. The allegation against the petitioners is to commit cruelty against O.P. No. 2/wife.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is desirous to lead his conjugal life with O.P. No. 2/wife. It is also pointed that petitioner no(s). 2 & 3 are in-laws of O.P. No. 2, where allegation of cruelty and demand of dowry appears general and omnibus against them. 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. 3,000/- 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 no.1 is ready to pay ad-interim maintenance amount of Rs. 3,000/- to O.P. No. 2/wife, till disposal of the case, accordingly all petitioners above named, in the event of their arrest or surrender before the learned trial court within a period of four weeks, are 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 Court of Judicial Magistrate 1st Class, Buxar/concerned Court where the case is pending in connection with Complaint Case No. 275 C of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner no.1 shall pay Rs. 3,000/- 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 no.1 fails to pay ad-interim maintenance for two consecutive months the bail bond of petitioner no. 1 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.)

S.Tripathi/-

U		T	
---	--	---	--

