

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44340 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Prashant Kumar Pathak Son of Late Rajendra Pathak R/O Mohalla- Shivajee Colony, Ram Chandrapur, Near Reliance Trend Mall, P.S.- Laheri, Dist.- Nalanda. Presently Residing at 78 Batalian, BSF Constable Santnagar, Jammu and Kashmir

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vibha Pathak @ Vibha Kumari Wife of Prashant Kumar Pathak D/O Arjun Mishra R/O Mohalla- Begampur, Bahri, Dhawalpur Imalital, P.S.- Didarganj (Patna City), Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 23-04-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party no. 2 in presence of the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 87 of 2023 registered for the offence punishable under Section 498A of the Indian Penal Code.

3. The petitioner, who is the husband, denied the allegations made by the opposite party no. 2 in the complaint case.

4. Earlier, the matter had been sent to the Patna High Court Mediation and Conciliation Centre but the report of the mediation would show that the said proceedings have failed



and no settlement between the party could be reached.

5. Petitioner, who is physically present, is a constable posted at West Bengal in BSF.

6. At this stage, the petitioner offers to give Rs.10,000/- (rupees ten thousand) per month to opposite party no.2 in the first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

7. In such view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C. 1st Class, Patna City, Patna in connection with Complaint Case No. 87 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

8. Learned counsel for the opposite party no.2, under instruction, submits that the opposite party no.2 undertakes to provide her bank account details to the petitioner within a



period of two weeks from today. If the opposite party no.2 furnishes the bank account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the opposite party no.2 would be at liberty to file cancellation of bail.

9. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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