

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54416 of 2024

Arising Out of PS. Case No.-2102 Year-2018 Thana- COMPLAINT CASE District- Araria

Mithilesh Kumar Yadav Son of Umesh Chandra Yadav R/O Vill.- Dighri, P.s.-
Korha, Dist.- Katihar

... .. Petitioner

Versus

1. The State Of Bihar
 2. Juli Kumari Wife of Mithilesh Kr. Yadav R/o Vil.- Rahika Tola, Ward no. 17,
Araria, P.o. and P.s.- Araria, Dist.- Araria.
- Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Md Musowir, Advocate
For the Opposite Party/s :	Mr.Md. Nazir Ansari, A.P.P.
	Mr. SK Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 13-02-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 498A, 379/34 of the
Indian Penal Code.

3. As per the prosecution case, opposite party no.2
was married to the petitioner on 12.3.2012. Thereafter,
petitioner and his family members started demanding dowry and
committed torture for non-fulfilment of demand of dowry.
Lastly, they ousted her from the matrimonial house.

4. Petitioner is husband of opposite party no.2 and he
denies the allegations. Petitioner has also filed Matrimonial
Case No. 109 of 2016 for restitution of conjugal rights.

5. Learned counsel for the opposite party no.2 refers
to order dated 9.4.2021, passed by the Family Court, Araria in
which petitioner has been ordered to pay Rs.4000/- per month as
maintenance to opposite party no.2, Rs. 1000/- each to minor
son and daughter from the date of filing of this petition.



Petitioner has not given any maintenance to opposite party no.2 till date.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, 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 Sub Divisional Judicial Magistrate, Araria in CA Case No. 2102C/2018, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on following conditions:-

(i) Petitioner is directed to pay the entire arrears of the maintenance amount to opposite party no.2. At the time of furnishing bail bond, Rs. 1.5 lacs shall be credited by the petitioner in the bank account of opposite party no.2 and receipt to this effect shall be submitted with the bail bonds.

(ii) Rest amount of arrears of maintenance shall be credited to the bank account of opposite party no.2 in four equal instalments within six months thereafter.

(iii) Henceforth, petitioner shall regularly be paying the monthly maintenance amount to opposite party no.2 in her bank account.

6. If the petitioner fails to comply with the aforesaid direction of this court, the court below shall be at liberty to cancel the bail bonds of the petitioner.

shashi/-

(Prabhat Kumar Singh, J)

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