

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7922 of 2017

Arising Out of PS.Case No. -218 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Ritesh Kumar Tiwari @ Ritesh Kumar Tiwary @ Ritesh Kr. Tiwary son of
Sri Kailash Tiwary @ Kailash Tiwari Resident of Village - Yadopur Tola
Chainpur, P.S. - Harsidhi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uday Narayan Tiwary son of Late Sachidanand Tiwari R/o Areraj Jogiyar, P.S. - Govindpur, District - East Champaran.
3. Sindhu Devi daughter of Uday Narayan Tiwary R/o Areraj Jogiyar, P.S. - Govindpur, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar No.-1

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Complaint Case No. 218
of 2015 instituted for the offence under Section 498(A) of the
Indian Penal Code and Section 3 and 4 of the Dowry Prohibition
Act.

In this case, the petitioner was earlier granted
anticipatory bail by this court on statement made by him to keep
the complainant.

The petitioner did not abide that promise and
thereafter, he filed modification petition stating that he is ready to
give maintenance to the wife and filed petition for modification of



the earlier order of this court passed in Cr. Misc. No. 39273 of 2015 dated 4.9.2015.

The petition of the petitioner for modification of the order was disposed off vide Cr. Misc. No. 55432 of 2015 order dated 16.12.2015 with a direction to surrender and make prayer for regular bail.

In the meantime, the petitioner has been arrested and sent to jail.

The petitioner is in custody for the last six months.

It has been submitted on behalf of the informant that Maintenance Case No. 53/15 was filed by the wife which has been allowed and an amount of Rs. 4000/- has been fixed by the court for making payment of maintenance to the informant and her female child.

Learned counsel for the petitioner has submitted that order passed in the Maintenance Case No. 53 of 2015 was ex-parte.

During course of argument on behalf of the petitioner, it appears that he is not ready to make payment of the aforesaid amount of Rs. 4000/- rather he wants to challenge that order. The petitioner even at this stage is not coming with clean stand in this court. He earlier got anticipatory with statement in



court that he will keep the complainant and thereafter, he did not abide by the promise and again filed a petition for modification of the order on the ground that he will make payment of maintenance to his wife and now during hearing of this regular bail petition, he is not ready to pay amount of maintenance to the informant as directed by court below in Maintenance Case No. 53/15.

Under such circumstances, this court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

The lower court is directed to expedite the trial of the petitioner and make effort to conclude the trial as early as possible, preferably within a period of nine months from the date of receipt of this order.

(Sanjay Priya, J)

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