

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6146 of 2019

Arising Out of PS. Case No.-346 Year-2018 Thana- LAXMIPUR District- Jamui *

Ashwini Kumar Late Jay Narayan Gupta Resident of village- English
Chichraun, P.S.- Akbar Nagar, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Nitu Kumari @ Nitu Devi Ashwini Kumar D/o Sri Nageshwar Tanti,
presently resident of village- Jinhara, P.O. - Kala, P.S.- Laxmipur, District -
Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-03-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Laxmipur P.S.Case no.346 of 2018 dated 7.9.2018 corresponding to G.R.No.2680 of 2018, registered for offences punishable under Sections 341, 323, 498A, 313, 504, 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is of subjecting the informant of cruelty and harassment with respect to demand.

Submission of the learned counsel for the petitioner is that she is in adultery, as such he has filed divorce case against the O.P.no.2 and thereafter the present case has been filed.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground



that the O.P.no.2 is still ready to live with the petitioner and the allegation of adultery is false and concocted and the O.P.no.2 has also not been paid any single penny by the petitioner. .

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks from the date of order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) in connection with Laxmipur P.S.Case No.346 of 2018 dated 07.09.2018 corresponding to G.R.No.2680 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that he has to pay Rs.05,000/- (Rupees Five Thousand only) per month to the O.P.no.2 for her maintenance till any maintenance case is filed and final order is passed.

It is needless to say that the petitioner has to co-operate in the maintenance case..

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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