

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3406 of 2019

Arising Out of PS. Case No.-2312 Year-2014 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Niraj Kumar Das, son of Late Lakshmi Das Resident of Village- Shivdham
Tola Madhubani, Police Station- K.Hat, District, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lipika Devi, daughter of Shree Narayan Sah Resident of Village and Police
Station- Balia Belon, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 16-04-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 2312 of 2014 registered under Section
498A of the Indian penal Code and 3 and 4 of the Dowry
Prohibition Act.

Allegation is of subjecting his wife/O.P. No. 2 to cruelty
and harassment with respect to demand while she was pregnant.

Submission of learned counsel for the petitioner is that
whole allegation is false and concocted and petitioner is ready
to keep her with full dignity and care.

On the other hand, submission of learned counsel for the
O.P. No. 2 is that maintenance case was allowed in favour of
O.P.No. 2 in the year 2017 and petitioner was directed to pay
Rs.4000/- per month to his wife and Rs. 1500/- to his daughter



but up till now, not a single penny has been paid but she is still ready to live with the petitioner if she has been paid some amount and allowed to live with dignity.

In such view of the matter, this application is disposed of with a direction to the petitioner to surrender before the court below on 06.05.2019 and file a petition with an affidavit that he is ready to pay a lump-sum amount of Rs. 20,000/- by Bank Draft which he will pay within one month and further he is ready keep his wife. On that day, O.P.No. 2 shall also remain present in court fromwhere petitioner will take O.P.No. 2 to his house for keeping as wife with dignity and care. On which, the court below shall release the petitioner on provisional bail on upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure; for a period of six months and find out Rs. 25,000/- has been paid or not and also watch the marital relationship and conduct of both parties by calling upon them on the first week of every two months. Once, it is satisfied that marital relationship and conduct of both parties are harmonious, provisional bail granted to the petitioner shall be confirmed, otherwise he is free to pass any order or orders which will be



deem fit and proper including the cancellation of the bail bond
of the petitioner.

(Vinod Kumar Sinha, J)

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