

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7056 of 2019

Arising Out of PS. Case No.-551 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Rajesh Kumar, Son of Mukti Nath Tiwary, Resident of Adarsh Colony,
Kalambagh Road, beside Reliance Petrol Pump, P.S. Kazi Mohammadpur,
Dist. Muzaffarpur

... .. Petitioner

Versus

1. State of Bihar
2. Sweta Tiwary, Wife of Rajesh Kumar, Daughter of Late Jag Narayan Tiwary
Resident of Adarsh Colony, Kalambagh Road, Beside Reliance Petrol Pump,
P.S-Kazi Mohammadpur, Distt.-Muzaffarpur at Present residing at Flat No.-
201 B, Pragya Pradeep Residency, Nandanpuri, Maurya Path, Khajpura,
Bailey Road P.S.-Rajiv Nagar, District-Patna

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Vinay Krishna Tripathy, Advocate
For the Opposite Party/s	:	Mr.Ahmad Ali, APP
For O.P. No.2	:	Ms. Surya Nilambari, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-04-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 551(c) of 2017 in which

cognizance has been taken under Sections 406, 498A of the

Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting his

wife to cruelty for demand of dowry.

Submission of learned counsel for the petitioner is

that opposite party No.2 has left his house on her own and

thereafter he filed a petition for restitution of conjugal rights,

which has been decided in his favour and when the complainant



has not come the petitioner filed a divorce case in which decree of divorce has been passed in favour of the petitioner and thereafter he married another lady.

Heard learned APP and learned counsel for the complainant, who has opposed the prayer for anticipatory bail on the ground that decree of divorce was being obtained ex parte in the back of opposite party No.2 and that has been set aside at the instance of opposite party No.2. Further submission is that opposite party No.2 is getting ad interim maintenance as per order of the Family Court.

Having heard both sides and in the facts and circumstances, let petitioner, above named, in the event of arrest or surrender within a period of six weeks from the receipt of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Patna, in connection with Complaint Case No. 551(c) of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioner shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned and further condition is that



the petitioner will continue to pay the ad interim maintenance to
opposite party No.2, otherwise she is free to move for
cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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