

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7746 of 2019

Arising Out of PS. Case No.-140 Year-2018 Thana- MAHILA P.S. District- Bhojpur

AMIT TIWARI, Son of Late Nand Kishore Tiwari, Resident of Mohalla
Nooranibagh Colony, Block-B, P.S. Alamganj, Town and District Patna

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Anshu Tiwari, Wife of Amit Tiwari, daughter of Ram Sundar Mishra,
Resident of Village - Ramapur, P.S. Mufassil, District Bhojpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pankaj Maijorwar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-05-2019 Petitioner seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 140 of 2018 registered for the offences punishable under Sections 498A, 379/34 of the Indian Penal Code and Sections 3/ 4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting his wife, opposite party No.2, to torture, both physically and mentally and there is also allegation that petitioner has illicit relationship with his wife of his elder brother. It appears that a complaint case has also been filed by the petitioner against opposite party No.2 and also lodged a divorce case under Section 13 of Hindu Marriage Act, which is pending before the Family Court, Patna and the present case has been filed after that. However, learned counsel for the petitioner could not answer the court query as to whether he is paying



maintenance amount to the opposite party No.2. On the other hand, learned counsel for the opposite party No.2 has submitted that no amount is paid to the opposite party No.2 as maintenance and she is ready to reside with the petitioner.

In the facts and circumstances, as stated above, this application is disposed of with a direction to the petitioner to surrender before the court below and file an undertaking that he shall pay Rs.3000/- per month to opposite party No.2 till divorce case is decided or any order passed with respect to maintenance either interim or final by the competent court and on filing of such undertaking, the petitioner shall be released on bail by the court below itself to its own satisfaction. However, it is made clear that if the petitioner fails to pay the maintenance amount, as stated above, continuously for three months, the opposite party No.2 is at liberty to move for cancellation of bail bonds of the petitioner before the court below itself.

(Vinod Kumar Sinha, J)

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