

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11007 of 2019

Arising Out of PS. Case No.-196 Year-2018 Thana- BIBHUTIPUR District- Samastipur

Nitesh Kumar @ Nitesh Singh, Son of Prabhu Sharan Singh R/o village-
Deshari, Ward No. 14, P.S- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupam Kumari w/o Nitesh Kumar @ Nitesh Singh, R/o Village Kabia, Post
Kabia, P.S. Bhagwanpur, District Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-07-2019 This is an application for grant of anticipatory bail in
connection with Bibhutipur P.S. Case No. 196 of 2018,
disclosing offences under Section 498A of the Indian Penal
Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting his
wife - opposite party no.2 to cruelty with respect to demand of a
motorcycle and also ousted her from the house.

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

Considering the same, on appearance of the opposite
party no.2, the matter was referred to the Patna High Court,
Mediation and Reconciliation Center, vide order dated
26.04.2019, but mediation failed.



On the other hand, learned counsel for the opposite party no.2 has appeared and submitted that due to cruelty meted out to her by the petitioner, she is not ready to live with him, rather she is interested for one time settlement. Further submission is that the opposite party no.2 is residing in her Maiké for the last one year but she has not been paid even a single penny for her maintenance by the petitioner, for which, she is entitled.

Having heard both sides, in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the learned court below on 31.07.2019 and on surrender, he will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned A.C.J.M.I, Rosera, District Samastipur, in connection with Bibhutipur P.S. Case No. 196 of 2018 , subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that he has to pay Rs.2500/- per month to the opposite party no.2 for a period of one year and during that, it is expected that opposite party no.2 shall approach the Family Court, Samastipur for grant of maintenance, if such an application is filed, petitioner is directed to co-operate in disposal of the same.



With the above observations, this application is
allowed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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