

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26480 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ashutosh Kumar, Son of Uday Shankar Prasad Singh, Resident of Village -
Dighra Rampur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Perna, Wife of Ashutosh Kr., D/O- Nand Kishore Tiwary, Resident of
Near Mithanpura, Masjid Chowk, P.O. - Ramna, P.S.- Mithanpura, District-
Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 236 of 2018, disclosing

offences under Section 498A of the Indian Penal Code and

Section 4 of Dowry Prohibition Act.

Case is under Section 498-A of the IPC. The
petitioner happens to be the wife of the informant and there is
allegation that he has demanded Rs.5,00,000/- and for that,
ousted the informant from the house by assaulting her.

Submission of learned counsel for the petitioner is
that he has filed a divorce suit against the opposite party no.2,
prior to lodging of this case and thereafter, the present case has
been registered against him. It has further been submitted that



he is paying the maintenance amount to the opposite party no.2, which will appear from the impugned order dated 31.07.2018 passed by the Principal Judge, Family Court in Maintenance Case no. 31 of 2018.

On the other hand, learned counsel for the opposite party no.2 has opposed the prayer for anticipatory bail on the ground that frivolous divorce case has been filed by the petitioner. However, he is not paying the maintenance to the opposite party no.2 regularly and further allegation is that up till now only Rs.28,000/- has been paid by the petitioner to her.

Having heard both sides, in view of the facts and circumstances as stated above, this application is disposed of with a direction to the petitioner that he is to pay 50% of the maintenance amount, which is due towards him, to the opposite party no.2 within a period of four months and also he will pay the current maintenance amount continuously, he will be enlarged on bail by the learned court below on its own satisfaction to the aforesaid condition.

It is also made clear that if he fails to deposit the said 50% dues amount within three months and he failed to deposit the maintenance amount continuously for three months, the opposite party no.2 shall at liberty to move for cancellation of



bail bonds of the petitioner, which will be considered by the
learned court below on its own.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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