

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31766 of 2019

Arising Out of PS. Case No.-198 Year-2018 Thana- MAHILA P.S. District- Patna

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Amit Kumar Kashyap @ Bablu @ Amit Kashyap Son of Late Dr. Mithilesh Singh Resident of Mahavir Colony, Jyoti Nagar, Rajendra Nagar, P.S.- Bahadurpur, District- Patna ... Petitioner

Versus

1. The State of Bihar
2. Nikki Kumari @ Nikitta ... Opposite Party

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Appearance :

For the Petitioner	:	Mr.Birendra Kumar Singh, Advocate
For the Opposite Party	:	Mr.Mukesh Kumar Singh, Addl Public Prosecutor
For the opp.party no.2	:	Mr.Avinash Kr.Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-09-2019 Heard learned counsel for the petitioner, the State and opposite party no.2.

Petitioner, who happens to be the husband of the opposite party no.2, apprehends his arrest in a case registered for offence under sections 498A, 504,506/34 of the Indian Penal Code as well as under sections 3 of the Dowry Prohibition Act, on the allegation of demand of dowry and committing torture on her with the aid of family members due to non-fulfilment of dowry demand.

Learned counsel for the petitioner submits that the allegations levelled against him are false and baseless and they are general and omnibus in nature and on account of trauma and agony meted out from opp.party no.2, petitioner has filed a matrimonial suit for dissolution of marriage bearing



Matrimonial Case No. 1286 of 2018 dated 22.11.2018 in the Family Court, Patna.

Learned counsel appearing for the opposite party no.2, after some arguments, submits that the petitioner, being husband of opposite party no.2, may be directed to pay Rs.7000/-per month to opposite party no.2 as maintenance money, subject to any order to be passed in the aforesaid matrimonial case or in any other connected proceedings, which is not disputed by learned counsel for the petitioner.

In view of the aforesaid submissions, let the petitioner as mentioned above be released on bail in the event of his arrest/surrender within six weeks from today, on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Patna in Mahila Police Station Case No. 198 of 2018, on the following conditions:-

As agreed between the parties, petitioner would pay Rs.7,000/-(seven thousand) per month to the opposite party no.2 as maintenance amount from October, 2019 by depositing the same in her Savings bank account by second week of every succeeding month, subject to any order to be passed in the matrimonial case in future. Opposite party no.2 would file an



affidavit in the court below within three weeks mentioning her Savings bank account number for its communication to the petitioner so that he may credit the aforesaid maintenance amount as per the direction of this order. In case of default of payment of the aforesaid maintenance amount for three consecutive months, opposite party no.2 will be at liberty to file application for cancellation of the bail of the petitioner.

Parties would ensure their appearance in the case on each and every date fixed by the learned Family Court. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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