

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34113 of 2019

Arising Out of P.S. Case No.-16 Year-2017 Thana- MAHILA P.S. District- Muzaffarpur

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Rakesh Kumar Choudhary @ Rakesh Kumar, Male, aged about 40 years Son
of Shri Ashok Kumar Choudhary Resident of Village - Kharauna Dih, P.S.-
Kurhani Turki O.P., Distt – Muzaffarpur ... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate
For the State : Mr. Jitendra Kumar Singh, APP
For the Opposite Party No.2 Mr. Hari Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the informant,

namely, Sumita Kumari.

Petitioner, who happens to be the husband of the
informant, apprehends his arrest in a case registered for the
offence punishable under Sections 341, 323, 504 and 498A of
the Indian Penal Code and Section 3/4 of the D.P.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. Petitioner forced the informant to leave his house.

Learned counsel for the petitioner submits that the
allegations levelled against him is false, baseless and is general
and omnibus in nature. He further submits that the informant is
a lady of hostile attitude and she herself left her matrimonial
home.

Learned Additional Public Prosecutor appearing for



the State while opposing the prayer for bail submits that there is allegation against the petitioner of committing torture for dowry on the informant. He, however, submits that the petitioner being husband of the informant may be directed to pay interim maintenance of Rs.7500/- per month to the informant.

In view of the aforesaid submissions, let the above named petitioner be released on bail in the event of his arrest/surrender within six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM. West, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No.16 of 2017 on the following conditions:-

Petitioner would pay Rs.7500/- per month to the informant, namely, Sumita Kumari 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. Informant would file an affidavit in the court below within three weeks mentioning her saving bank account number or 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 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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