

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38778 of 2019

Arising Out of PS. Case No.-256 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Aditya Raj Son of Dinesh Roy Resident of Village- Naya Tola, P.S.- Danapur,
District- Patna. ... Petitioner

Versus

1. The State of Bihar
2. Anita kumari @Guriya W/o-Aditya raj D/O-Sri Kuldip Rai R/V-Vigrahpur
P.S.-Jakkanpur Distt.- Patna Opposite Parties

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Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate
For the Opposite Party : Mr.Akshay Lal Pandit, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-09-2019 Heard learned counsel for the petitioner, the State and
opposite party no.2.

Petitioner, who happens to be the husband of the complainant, apprehends his arrest in a case registered for offence under section 498A of the Indian Penal Code 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. He further submits that opposite party no.2 is herself a lady of cruel behaviour and she is not interested in continuing the matrimonial obligation with



him for which she has already filed Matrimonial (Divorce) Case No. 1199 of 2018, Annexure 2 to the bail application, in the Court of the learned Principal Judge, Family Court, Patna.

Learned counsel appearing for the opposite party no.2 does not controvert filing of the aforesaid matrimonial case by opposite party no.2. He, however, submits that the petitioner, being husband of the victim, may be directed to pay Rs.5,000/- per month to opposite party no.2 as maintenance money, subject to the final disposal of Matrimonial (Divorce) Case No. 1199 of 2018, which is not disputed by learned counsel for the petitioner.

In view of the aforesaid submissions, let the petitioner Aditya Raj 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 Sub Divisional Judicial Magistrate, Patna in Complainant Case No. 256C of 2018 on the following conditions:-

Petitioner would pay Rs.5,000/- 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 passed in



Matrimonial (Divorce) Case No. 1199 of 2018, maintenance or connected proceedings. Opposite party no.2 would serve her Savings bank account number 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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