

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2015 of 2019**

Arising Out of PS. Case No.-82 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Suresh Tiwari, son of Ram Briksh Tiwari Resident of Village- Sarne, P.S.- Ali
Nagar, District - Chandauli (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Tiwari, wife of Suresh Tiwari Resident of Village- sarne, P.S.- Ali
Nagar, District -Chandauli (U.P.) at present daughter of Late Rajmohan
Tiwari, Resident of village- Echaon, P.S.-Chand, District - Kaimur at
Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Smt. Gulnar Begam

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 28-02-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 82 of 2018 registered under Section 498A
of the Indian penal Code and 3 and 4 of the Dowry Prohibition
Act.

Allegation against the petitioner is of subjecting his wife
to cruelty and harassment and also taken away her children. It
appears that marriage was solemnised in the year 2004.

Submission of learned counsel for the petitioner is that
due to cruelty made by O.P.No. 2 with his family members, it is
not possible for him to keep her and he has also filed a divorce
case.

Heard learned APP and learned counsel appearing on



behalf of the O.P.No. 2, who have opposed the prayer for bail on the ground that O.P. No. 2 is ready to live with the petitioner, but petitioner is not ready to keep her and he has also taken away her children. It has further been submitted that O.P.No. 2 has filed maintenance case, which is pending before the Family Court, Bhabua and he is also not giving any maintenance amount to the O.P.No. 2.

Having heard both sides and in the facts and circumstances, as stated above, this application is disposed of with a direction to the petitioner to surrender before the court below within a period of six weeks from the date of receipt of a copy of this order and upon his surrender, he will be released on bail to the satisfaction of the court below in connection with Complaint Case No. 82 of 2018; subject to condition that petitioner shall co-operate in disposal of the maintenance case and he shall have to pay the maintenance amount if it is decided by the Family Court, otherwise, O.P.No. 2 is free to move before the court below for cancellation of bail bond of the petitioner.

(Vinod Kumar Sinha, J)

sujit/-

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