

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32989 of 2019

Arising Out of PS. Case No.-175 Year-2018 Thana- RAJAPAKAR District- Vaishali

Navjot Mishra @ Navjot Kumar Son of Shyam Kishore Mishra @ Shekhar Mishra Resident of Village - Malpur, P.S.- Tajpur (O.P. Halae), Dist.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Khushubu Kumari Wife of Navjot Mishra, D/o Braj Kishore Thakur Resident of Village - Malpur, P.S.- Tajpur (O.P. Halae), Dist.- Samastipur. AT Present - Smt. Khushubu Kumari D/o Braj Kishore Thakur, Resident of Village - Ajamatpur, P.S.- Rajapakar, Dist.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner who happens to be husband of the complainant, apprehends his arrest in Rajapakar P.S. Case No. 175 of 2018, registered for the offences punishable under Sections 498(A), 406, 120(B) of the Indian Penal Code and section 3/4 of Dowry Prohibition Act.

Informant/complainant alleged that all the accused persons including this petitioner subjected her to mental and physical torture due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to



personal enmity. There is general and omnibus allegation against him. Complainant /O.P. No. 2 is not interested in continuing the matrimonial obligation with the petitioner. Therefore, petitioner has filed a divorce case before Principal Judge, Family court, Samastipur vide Divorce Case No. 78 of 2019. It is further submitted that Opposite Party no. 2 has also filed a maintenance case which is pending before the court below. Petitioner's father had already filed one informatory petition earlier to the present case before the Chief Judicial Magistrate, Samastipur.

Learned counsel for the informant submits that petitioner being husband of the victim, may be directed to pay Rs. 5,000/- per month to opposite party no. 2, as maintenance amount, subject to final disposal of Divorce Case No. 78 of 2019 which is not disputed by learned counsel for the petitioner.

In view of the aforesaid facts, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in



connection with Rajapakar P.S. Case No. 175 of 2018, subject to the 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 Divorce Case No. 78 of 2019, 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 this order. In case of default of payment of the aforesaid amount for three consecutive months, opposite party no. 2 will be at liberty to file application for cancellation of the bail of 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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