

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34197 of 2019

Arising Out of P.S. Case No.-6 Year-2019 Thana- MAHILA P.S. District- Samastipur

NAVIN KUMAR @ NAVIN KUMAR CHOUDHARY Son of Ravindra Prasad Choudhary @ Rabindra Prasad Choudhary Resident of Village- Ghograha (Gorgama), P.S.-Chakmehsi, District-Samastipur ... Petitioner
Versus

1. The State Of Bihar
2. Rishu Kumari D/o Shri Shashi Shekhar Choudhary Resident of Village- Shrinath Paran, Post Office-Jagdishpur, P.S.-Kalyanpur, District-Samastipur.
... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ranjan Kumar, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Opposite Party No.2	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 11-09-2019 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No.2 as well as learned Additional Public Prosecutor for the State.

Petitioner, who happens to be the husband of the Opposite Party No.2, apprehends his arrest in a case registered for the offence punishable under Sections 498A, 341 and 323/34 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 and he also ousted her from matrimonial house.

Learned counsel for the petitioner submits that the allegation levelled against him is false, baseless and is general and omnibus in nature. He further submits that Opposite Party No.2 is a quarrelsome lady and is only interested in living her



husband separately.

Learned counsel for the Opposite Party No.2 opposes the prayer for bail and submits that the petitioner being her husband should pay interim maintenance of Rs.3500/- per month.

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 J.M. F.C. Samastipur in connection with Mahila P.S.Case No.06 of 2019 on the following conditions:-

As agreed between the parties, petitioner would pay Rs.3500/- 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 and other connected cases to be filed 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 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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