

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41981 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- BHORE District- Gopalganj

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ABHISHEK KUMAR DWIVEDI @ ABHISHEK KUMAR DUBEY S/o Sri Prabhakar Dwivedi @ Prabhakar Dubey Resident of Village- Chakari, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi W/O- Abhishek Kumar Dwivedi R/O- Village- Chakari, P.S.- Darauli, District- Siwan, At Present D/O- Sri Pramod Pandey, R/O- Village- Luhusi, P.S.- Bhorey, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 23-10-2019 Petitioner seeks bail in anticipation of his arrest in connection with Trial No. 2027 of 2019, arising out of Bhorey P.S. Case No. 213 of 2018 registered for the offences punishable under Sections 498A, 406, 467, 468, 471, 323, 341, 504, 506 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

As per prosecution case there is allegation of demand of Rs.5 lac against the petitioner, who happens to be husband of the informant, and for non-fulfilment of the same he ousted her from the house.

Submission of learned counsel for the petitioner is that whole allegation is false and concocted and he is still ready to keep her with dignity and care. On the other hand, learned counsel for opposite party No.2 has opposed the prayer for anticipatory bail on



the ground that she is not ready to reside with the petitioner due to cruelty meted out to her. Further submission is that in maintenance case learned Family Court, Gaya by order dated 22.12.2018 has ordered maintenance amount to be paid to opposite party No.2 but not a single penny has been paid to her till date.

Heard learned APP also.

In view of above facts and circumstances, this application is disposed of with direction that if petitioner is ready to pay the maintenance amount as per order of learned Family Court to opposite party No.2 and if such affidavit is filed to that effect before the court below, the court below shall release the petitioner on bail to its own satisfaction. It is made clear that if petitioner fails to pay the maintenance amount continuously for three months the bail bonds of the petitioner shall be cancelled by the court below on application filed by opposite party No.2.

(Vinod Kumar Sinha, J)

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