

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44420 of 2019**

Arising Out of PS. Case No.-98 Year-2018 Thana- MAHILA PS District- Darbhanga

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Birendra Kumar Goswami @ Birendra Kumar, Son of Baijnath Goswami,
Resident of Warisaliganj, Mafi Gali, P.S.- Warisaliganj, Distt - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prity Kumari, D/o Laxman Goswami, R/o Hayaghat, P. S. Hayaghat,
District Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bharti, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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

5 15-11-2019 This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No. 98 of 2018, disclosing offences under Sections 498A, 504, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per F.I.R. petitioner happens to be the husband of the informant and there is allegation of demand of Rs.20 lacs and for that, ousted her from the house. There is also allegation that on the instruction of Mahila Help Line, she went to reside with the petitioner, who is working as Station Master at Solapur, but she was not allowed to live in his house.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with full dignity and care. Further submission



is that he is a Government employee, as such, there is no chance of absconding.

On the other hand, the opposite party no.2 has appeared and submitted that she was ousted from the house and she was not allowed to live with the petitioner, as such, maintenance case has been filed by the opposite party no.2 and recently the petitioner has appeared but he is not paying any single penny to her.

In such view of the matter, let the petitioner, above named, surrender before the learned court below on condition of payment of Rs.10,000/- per month to the opposite party no.2 for a period of one year or till any interim or final order is passed by the learned Family Court and further condition that he has to co-operate in disposal of the maintenance case, he will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned C.J.M. Darbhanga, in connection with Mahila P. S. Case No. 98 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

Further the opposite party no.2 is also directed to supply the account number in the Court below so that the petitioner may deposit the maintenance amount.



It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

With the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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