

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53912 of 2019**

Arising Out of PS. Case No.-1487 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Rupesh Kumar @ Dhiraj Kumar, son of late Bindeshwar Paswan, resident of -
Mobarkpur, P.S.- Islampur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Munni Devi, wife of Rupesh Kumar @ Dhiraj Kumar, daughter of late Bindeshwar Paswan, resident of Mohalla - Pirdamariya, P.S.- Malsalami, P.O.- Jhauhanj, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Imran Ghani, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2	:	Mr. Sanjeet Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 20-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with
Complaint Case No.1487 (C) of 2015 dated 10.12.2015
instituted under Section 498-A of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

3. The petitioner, who is the husband of the opposite
party no. 2, is accused of demand of dowry, torture, cruelty and
ousting the complainant from the matrimonial home.

4. Learned counsel for the petitioner submitted that he
has always been ready to keep the wife with him, but on some



or the other pretext she does not want to live with him and even in mediation she has put such conditions which cannot be fulfilled.

5. Learned counsel for the opposite party no.2 submitted that she apprehends that the petitioner would take her and leave her at his village and go to Delhi to work and would also not give her any monetary support. However, he submitted that if the petitioner gives her maintenance, he would not be opposing the present application.

6. At this stage, learned counsel for the petitioner submitted that he himself is working in Delhi and not earning much, however, he is agreeable to pay Rs.3,000/- per month to the opposite party no. 2.

7. Learned APP submitted that on the plea taken by the petitioner to pay monthly maintenance, the Court may take a sympathetic view.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



Sub Divisional Judicial Magistrate, Patna City, in Complaint Case No.1487 (C) of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further subject to payment Rs.3,000/- per month maintenance to the opposite party no. 2 starting from November, 2019.

9. The opposite party no.2 shall give the details of her account in the Court below within one week from today. The petitioner shall ensure that by the 5th of every succeeding month Rs.3,000/- is transferred in the account of the petitioner. If the petitioner defaults, the Court below shall cancel his bail bonds and the petitioner shall be taken into custody.

10. The application stands disposed off with aforementioned direction.

(Ahsanuddin Amanullah, J)

J. Alam/-

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