

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82523 of 2019

Arising Out of PS. Case No.-243 Year-2015 Thana- PIPRA District- East Champaran

ASHISH KUMAR Son of Sakaldeo Sah Resident of Village - Sariyatpur, P.S.
- Pipra, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma
For the Opposite Party/s	:	Mr.Bal Mukund Prasad Sinha
For the Informant	:	Mr. Sanjay Kumar Tiwari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-12-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Pipra Case No. 243 of 2015, registered for the offence
punishable under Sections 323, 498A, 504, 506/34 of the
Indian Penal Code, 1860 and Sections 3 /4 of the Dowry
Prohibition Act.

The allegation is regarding the petitioner, who is the
husband of the informant-wife and his family members having
harassed the informant on account of non-fulfillment of the
demand for dowry.

The learned counsel for the petitioner submits that the
petitioner was earlier granted provisional anticipatory bail by a



coordinate Bench of this Court, however, on account of quarrel and dispute having broken out in between the husband and the wife, the petitioner could not keep the wife and ultimately, his provisional anticipatory bail was cancelled, whereafter he has surrendered before the court below and he is seeking regular bail. It is further submitted that there is no chance of the wife living with the petitioner, hence, it is prayed that the privilege of bail be granted to the petitioner and he would face the trial. However, upon a query made by this Court as to whether he is ready and willing to maintain the wife by giving a sum of Rs. 5,000/- per month as maintenance allowance by way of succor for the informant, the learned counsel for the petitioner has submitted that the petitioner has got no objection.

Per contra, the learned counsel for the informant has submitted that the petitioner be directed to pay the aforesaid amount of maintenance regularly without fail and it be further directed that the husband and the wife may appear at the mediation centre of the District Court, Motihari, East Champaran for settlement of the matrimonial dispute permanently.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Pipra P.S. Case No. 243 of 2015, subject to the petitioner furnishing undertaking before the learned court below that he would regularly make payment of a sum of Rs. 5,000/- per month by way of demand draft to the wife by sending the said demand draft on the residential address of the informant by registered post with AD, failing which the present privilege of bail being extended to the petitioner would stand cancelled automatically.

It is needless to state that the learned court below, where the connected case is pending, may direct the petitioner and the informant to appear for mediation so that permanent settlement can be arrived at.

At this juncture, the learned counsel for the petitioner submits that the petitioner be granted the option of making payment of the aforesaid sum of Rs. 5,000/- per month by depositing the same in the bank account of the informant by way of bank transfer.

Permission so sought is granted.



The aforesaid order of grant of maintenance of Rs. 5000/- per month shall be in force till the time the learned family court or any other court fixes the amount of maintenance or a final settlement is reached in between the petitioner and his wife.

(Mohit Kumar Shah, J)

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