

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1414 of 2020

Arising Out of PS. Case No.-1657 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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AMAR KUMAR S/O Dinesh Sah Resident of Mohalla - Aghoriya Bazar, In
front of L.N.T. College, P.S. - Kazi Muhammadpur, Distt. - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari W/O Amar Kumar Resident of Mohalla - Aghoriya Bazar, In
front of L.N.T. College, P.S. - Kazi Muhammadpur, Distt. - Muzaffarpur, At
Present D/O Shri Sunil Kumaraa Sah, Resident of Mohalla Chandwara, Soda
Godawan, Chawk, P.S. Muzaffarpur Town, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas
For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Muzaffarpur Complaint case no. 1657 of 2018 instituted for
the offence punishable under Section 498A of Indian Penal Code.

The allegation is regarding the petitioner having
tortured the opposite party no. 2 i.e. his wife on account of non-
fulfilment of the demand for dowry.

The learned counsel for the petitioner has
submitted that the petitioner has already filed a divorce case
bearing Divorce case no. 129 of 2018, before the learned court of
Principal Judge, Family Court, Muzaffarpur and only thereafter,



the present prosecution has been lodged by the informant of this case. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 05.11.2019. On query being put to the petitioner regarding the amount of maintenance he is willing to pay to his wife, the learned counsel for the petitioner upon instruction, has submitted that the petitioner is ready and willing to pay a sum of Rs. 3,000/- per month as maintenance to his wife till the final outcome of the Maintenance proceedings, already pending before the learned court of Principal Judge, Family Court, Muzaffarpur.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner coupled with the fact that the petitioner is ready and willing to pay a sum of Rs. 3,000/- per month as maintenance to his wife as also taking into account the fact that he is languishing in custody since 05.11.2019, I deem it fit and appropriate to direct for release of the abovenamed petitioner on regular bail upon furnishing an undertaking before the learned court below regarding payment of a sum of Rs. 3,000/- per month as maintenance to his wife by way of demand draft, which shall be sent by registered post/ A.D. at the address of the parents of the opposite party no. 2 and subject to such other conditions which shall be deemed fit and proper to be imposed by the learned court



of S.D.J.M. (East), Muzaffarpur in connection with Muzaffarpur Complaint case no. 1657 of 2018. At this juncture, the learned counsel for the petitioner submits that liberty be granted to make payment by way of transfer of money in the account of opposite party no. 2. Liberty is granted to the petitioner to do the needful and seek necessary permission from the learned court below to pay a sum of Rs. 3,000/- per month to the opposite party no. 2 through account transfer, as and when he is in possession of the bank account details of the opposite party no.2.

With the aforesaid observations and directions, the present petition stands disposed off.

(Mohit Kumar Shah, J)

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