

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83760 of 2019

Arising Out of PS. Case No.-860 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Arvind Kumar Tiwari @ Arvind Kumar Son of Bishwanath Tiwary Resident
of Village - Magadh Colony, Road No.7, P.S.- Magadh Medical Distt.- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nikee Awasthee Wife of Arvind Kumar Tiwary @ Arvind Kumar, D/o
Bimlendu Bhushan Awasthee, Resident of Village - Awasthee Bhawan,
Situated at Mohalla- Belwarganju, P.S.- Alamganj, P.O.- Gulzarbagh, Distt.-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 14-01-2020 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 860 of 2019, disclosing

offences under Sections 467, 468, 471, 384, 394, 323, 406, 419,

120B, 498A of the Indian Penal Code and Section 3/4 of Dowry

Prohibition Act and Section 66A of the I.T. Act.

As per complaint case, petitioner happens to be the
husband of the complainant. There is allegation of demand of
Rs.10 lacs and for that, ousted her from the house. Further
allegation is that he married with another lady.

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.

On the other hand, the opposite party no.2 has appeared and contested the same on the ground that as he has married with another lady, it is not possible her to reside with him. Even the opposite party no.2 has not been provided with any maintenance.

Having heard both sides, considering the fact that it is a marital dispute between the parties, in which, there is always a chance of settlement between them parties, as such, this application is disposed of with a direction to the petitioner that if he undertakes to pay Rs.5000/- per month to the opposite party no.2 till any order is passed by any court of competent jurisdiction in any maintenance case or any other 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 S.D.J.M. Patna City, in connection with Complaint Case No. 860 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

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.

It is also submitted that in the meantime, the opposite party no.2 shall approach before the learned Family Court for grant of maintenance.

With the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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