

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35 of 2021

Arising Out of PS. Case No.-1654 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Dhananjay Kumar Tiwari @ Dhananjay Tiwari, Son Of Ramakant Tiwari
Resident Of Village- Santpur Parsauni, P.S.- Mainatand, Distt.- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saloni Kumari, W/O Dhananjay Kumar Tiwari @ Dhananjay Tiwari
Resident Of Village- Santpur Parsauni, P.S.- Mainatand, Distt.- West
Champaran. At Present R/O Vill- Dakshin Ghogha Shukla Tola, P.S.-
Gopalpur, Distt.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-10-2021 Heard the learned Advocate for the petitioner,

learned counsel for the complainant and learned APP for the

State through video conferencing.

The petitioner seeks bail in anticipation of his
arrest in connection with S.C. No.1347 of 2019 arising out
of Complaint Case No.1654-C of 2018, instituted for the
offences under Section 498-A of the Indian Penal Code and
Section 4 of the D. P. Act.

The learned counsel for the petitioner, at the
outset, submits that the opposite party no.2, herein, has



already filed a Maintenance Case bearing No.323 of 2018 pending in the Court of the learned Principal Judge, Family Court, Bettiah, West Champaran. It is further alleged that the maintenance has finally adjudicated by way of interim maintenance. The petitioner has been paying Rs.4,000/- per month to the opposite party no.2, to which learned counsel for the informant fairly submits that the petitioner is giving interim maintenance, but the payment is not being made regularly on which the learned counsel for the petitioner submits that in view of the Pandemic, he had some financial constraints as a result of which, there was some irregularities in making the payment.

It is further submitted that presently he does not have instructions as what amount is due. The petitioner is directed to surrender in the Court below on 18.11.2020, he shall be released on provisional bail on furnishing bail bonds of Rs. Ten thousand with two sureties for a period of three months. Simultaneously, the opposite party no.2 shall also be noticed and on appearance before the Court below the opposite party no.2 shall give the details of the payment which she has received by way of interim maintenance from



the petitioner and also the amount which is still due. The learned Court below will ensure that due interim maintenance of the opposite party no.2 has to pay by the petitioner within a period of three months from 18.11.2021, in the event of interim due maintenance, if it is not paid within the period of three months from 18.11.2021, the learned Court below shall be at liberty to cancel the provisional bail and in the event the due amount is paid to the opposite party no.2, the learned Court below shall confirm the provisional bail.

It is further directed that the petitioner shall continue paying the interim maintenance to the opposite party no.2 till final adjudication of the aforesaid maintenance case, in the event, the petitioner fails to pay the current maintenance to the opposite party no.2 and the same is brought to the notice of the learned Court below, the Court below after issuing notice to the petitioner and after confirming the allegation of the opposite party no.2 that her current maintenance is not being paid, the learned Court shall be at liberty to cancel the bail bonds of the petitioner.

With the aforesaid observation/ direction, the



application stands disposed off

This order has been passed in presence of the complainant as such, the complainant should also be informed that the petitioner is appearing on 18.11.2021, if the complainant appears on 18.11.2021, then the Court below need not issue notice upon the complainant as directed aforesaid.

(Satyavrat Verma, J)

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