

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34090 of 2022

Arising Out of PS. Case No.-778 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Bipin Kumar @ Lavkush Kumar, S/O Umesh Yadav @ Umesh Prasad Yadav
R/O Village- Daibigaha, P.S.- Narhat, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Lalita Kumari W/o Lavkush Kumar R/o Village- Daibigaha, P.S.- Narhat, District- Nawada, At present residing at D/o Sadhu Yadav, R/o Village- Tilakchak, P.S.- Nardiganj, District- Nawada. Mob. No.- 6287002670

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rajeev Nayan
For the Opposite Party/s :	Mr. Bishweshwar Ram
	Mr. Bipin Kumar
	Ms. Sarita Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 498(A), 323, 504, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is the husband of the complainant and alleges that she was married to the petitioner in the Year 2015 and was ousted from her matrimonial home in the year 2019 for non-fulfilment of dowry demand of Rs. Two lacs, though earlier Rs.50,000/- was given as per earlier demand.

The learned counsel for the petitioner submits that he has



been falsely implicated in the present case along with his entire family members including the distant relatives. It is next submitted that this amply demonstrates that the present complaint case came to be instituted with an ulterior reason to harass the entire family members.

At this stage, the learned counsel for the complainant based on instruction submits that he will not oppose the bail application of the petitioner in the event, if he is willing to pay Rs.5,000/- (Five Thousand) by way of a monthly maintenance till the issue of maintenance, if any, is not decided by a Court of competent jurisdiction. Accordingly, the Court gave sometime to the learned counsel for the petitioner to seek instruction on the issue.

The learned counsel for the petitioner on instruction submits that petitioner is ready and willing to pay an amount of Rs.5,000/- by way of monthly maintenance till the issue is not amicably resolve or resolved through the process of Court. The learned counsel next submits that the maintenance amount which he will pay, will be subject to the maintenance fixed by the Court of competent jurisdiction.

At this stage, the learned counsel for the complainant submits that the complainant will furnish her bank account in the learned Court below by next date i.e. 15.09.2022. The moment the complainant furnishes her bank account number, the petitioner will start paying the maintenance amount which will commence from



01.09.2022. In the event, if the petitioner for two consecutive months does not pay the monthly maintenance, then the complainant will be at liberty to file an application for cancellation of the bail bonds.

In view of the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case No.778 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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