

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5039 of 2023

Arising Out of PS. Case No.-592 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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TINKU GOSWAMI @ TINKU KUMAR GOSWAMI Son of Shambhu
Goswami R/o Mohalla- Kumhar Patti, Dhauatar, Mannitar More, Dhanbad,
P.S- Dhansar, Dist- Dhanbad Jharkhand. Petitioner/s

Versus

1. The State of Bihar
2. Juli Kumari Wife of Tinku Goswami R/o Mohalla Kumhar Patti Dhauatar
Mannitar More, P.S- Dhansar, Dist- Dhanbad, at presently Juli Kumari
Daughter of Late Jay Prakash Goswami R/o Mohalla- Rani Bazar, Kauakol
P.S- Kauakol Dist- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Viveka Nand Singh
For the State	:	Mr. Bishweshwar Ram
For the O.P. No.2	:	Mr. Sheo Kumar Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 29-08-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 498A of the Indian
Penal Code.

3. The petitioner in association of other co-accused is said
to have assaulted and tortured the opposite party no.2 on non-
fulfillment of demand of dowry. They also gave threatening to
kill her.

4. It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. He has been



falsely implicated in this case as he is husband of opposite party no.2. It is further submitted that the marriage of the complainant was solemnized on 24.06.2012 and the complainant filed the present case after about 9 years of her marriage. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 opposed the prayer for bail. Learned counsel for the opposite party no.2 submitted that the learned lower Court in a maintenance case filed against the petitioner has ordered to give Rs.6000/- (Rupees Six Thousand) per month to opposite party no.2 but the petitioner is not paying the same to the opposite party no.2.

6. Learned counsel for the petitioner submitted that he has no knowledge about any such order passed in the maintenance case.

7. Having regard to the facts and circumstances of the case as also the fact that as per learned counsel for the opposite party no.2, in the maintenance case Rs.6000/- per month was directed to be paid to opposite party no.2, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from



today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.592 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Learned Court below is directed to accept the bail bond of the petitioner after satisfying itself that all the arrears of opposite party no.2 has been paid, as per the order passed in the maintenance case, if such order has been passed because learned counsel for the petitioner has showed his unawareness about such order. It is also made clear that if such order has not been passed in the maintenance case, then the bail bond of the petitioner shall be accepted without any delay.

(Anjani Kumar Sharan, J)

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