

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9896 of 2023

Arising Out of PS. Case No.-1585 Year-2013 Thana- SARAN COMPLAINT CASE District-
Saran

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Dhananjay Tiwary, Son of Late Ashok Tiwari, Resident of Village-
Mogalapur, P.S- Jalalpur Dist- Saran

... .. Petitioner

Versus

1. The State of Bihar
2. Neeraj Devi @ Neeraj Tiwari, Daughter of Sri Lallan Pandey, Resident of
Village- Bareja, P.S - Daudpur, Dist- Saran

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Radhesh Kumar Sharma, Advocate

For the Opposite Party No.1: Mr. Ramesh Chandra, APP

For the Opposite Party No.2: Mr. Ashok Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-06-2023 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the complainant/opposite party no.2.

The petitioner is in custody since 01.12.2022, as
failed to pay an *ad-interim* maintenance at the rate of Rs.
4,000/- on monthly basis to complainant-wife, namely, Neeraj
Devi @ Neeraj Tiwary as directed by this Court through Cr.
Misc. No.21463 of 2015.

It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner failed to comply with the
order of this Court due to compelling reasons, as he lost his job
due to covid-19. It is submitted that now petitioner undertakes



to pay the arrear balance of total Rs. 2,76,000/- in installments to informant-wife and also to pay in future on regular basis at the rate of Rs. 4,000/- per month.

Learned counsel appearing on behalf of the complainant/opposite party no.2 while opposing the prayer for bail submitted that the condition be imposed by this Court so as to regular maintenance amount in terms of Cr. Misc. No. 21463 of 2015 be made to complainant, without fail.

In view of above-mentioned facts and circumstances and by taking note of the submissions as advanced on behalf of the learned counsel appearing on behalf of the petitioner, as petitioner is ready to pay arrear amount to complainant, accordingly, above-named petitioner is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No.1585 of 2013, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) The petitioner shall pay Rs.76,000/- to complainant-wife, namely, Neeraj Devi @ Neeraj Tiwary at the time of furnishing of bail bonds either in cash duly acknowledged by her or through her



bank account as a part of arrear amount out of Rs.2,76,000/-;

(ii) Petitioner is further directed to pay balance arrear amount of Rs.2,00,000/- to complainant-wife in six (6) equal monthly installments besides the routine installment of Rs.4,000/- as undertake before this Court during the course of hearing either in cash duly acknowledged by her or through her bank account;

(iii) The petitioner is further directed to pay monthly maintenance of Rs.4,000/- to complainant-wife, namely, Neeraj Tiwary positively by 7th day of every English calendar month in terms of the order as passed in Cr. Misc. No. 21463 of 2015;and

(iv) In case of non-compliance of any of the conditions imposed above, the learned Trial Court itself shall be at liberty to cancel the bail bond of the petitioner.

Any payment if made in terms of the order passed by competent Family Court towards maintenance to complainant-wife, namely, Neeraj Tiwary, shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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