

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52861 of 2023

Arising Out of PS. Case No.-99 Year-2021 Thana- COMPLAINT CASE District- Sheohar

NIKESH KUMAR @ NIKESH RAI, Son of Suresh Rai Resident of village -
Ghoshnagar Dhaw, P.s. - Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Reema Devi, Wife of Nikesh Kumar, D/o Virendra Rai Resident of village -
Nayagaon, P.S. - Shyampur, distt. - Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sagar Kumar, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For O.P. No. 2	:	Mr. Hans Lal Kumar, advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-11-2023 Heard learned counsels for the parties.

2. The petitioner, husband of the complainant/O.P.-2, apprehends his arrest in Complaint Case No. C1-99 of 2021 punishable for the offence under Sections 323, 498A and 307 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. As per complaint case, this petitioner is alleged to have committed torture and harassment with the complainant/O.P.-2 due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner is ready to give maintenance amount of Rs. 3,000/- (three thousand rupees) per month, starting from this month, to complainant/O.P.-2.



5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of ***Rs. 3,000/- (three thousand rupees) per month to complainant/O.P.-2***, in the event of arrest/surrender within a period of six weeks from today, let the petitioner, above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, in connection with Complaint Case No. C1-99 of 2021, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:

“(A.) Complainant/O.P.-2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(B.) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the complainant/O.P.-2.

(C.) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail bond.

D.) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.”

(Prabhat Kumar Singh, J)

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