

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8174 of 2023

In
CRIMINAL MISCELLANEOUS No.14356 of 2022

Arising Out of PS. Case No.-366 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAJIV KUMAR S/O Ram Vishwas Rai @ Ram Bishwas Rai @ Jathu Rai
R/O Village- Manikpur Musharnia, P.O- Andhauli, P.S- Parihar, District-
Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ragni Kumari W/O Rajiv Kumar R/O Village- Manikpur Musharnia, P.O- Andhauli, P.S- Parihar, District- Sitamarhi, presently residing with her father Ram Dinesh Rai at Village- Bishunpur, Tole Bagdah, Ward No-10, P.S- Beh, District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 19-04-2023 Heard learned counsel for the parties.

This application has been filed for modification of the order dated 18.05.2022 passed in Cr. Misc. No. 14356/2022 by which petitioner was directed to be released on bail subject to the condition that his bail bond shall be accepted only after he starts paying maintenance of Rs. 10,000/- per month and in default in payment of the aforesaid maintenance amount will result in cancellation of the bail bond in connection with Complaint Case No. 366/18 dated 20.03.2018 registered under



sections 147/ 323/504/379/498A/307/120B of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The learned counsel for the petitioner submits that the petitioner is paying the maintenance of Rs. 5,000/- per month to the opposite party no. 2.

Learned counsel for the opposite party no. 2 submits that there is no chance of both the parties staying together.

In these circumstances, considering the law laid down by Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273*, the prayer of the petitioner regarding modification of the order dated 18.05.2022 passed in Cr. Misc. No. 14356/2020 is allowed.

The petitioner is directed to be released on anticipatory bail in connection with Complaint Case No. 366/2018.

The maintenance amount of Rs. 5,000/- being paid by the petitioner to the opposite party no. 2 shall be regularly paid if the opposite party no. 2 cooperate in the criminal case and if the opposite party no. 2 stops cooperating in the criminal case then the maintenance amount shall be stopped by the Magistrate.

The parties may take other steps for dissolution of



marriage, in accordance with law.

With the aforesaid direction, this modification application is allowed.

(Sandeep Kumar, J)

Ranjeet/-

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