

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7832 of 2024

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

DIPAK KUMAR TIWARI S/o Shyamakant Tiwari R/V-Sisauda, P.S.-
Ramgarh, Dist-Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. KHUSHI TIWARI D/o Kamta Nath Pandey R/V-Chintamanpur, P.S.-Nuaon,
Dist-Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Mishra, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the O.P. No. 2	:	Mr. Amit Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-05-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in case registered for the offences punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. Case of the prosecution, in brief, is that the informant was married with the petitioner in the year 2014 and thereafter, she was subjected to torture and harassment due to non-fulfillment of demand of dowry and finally she was ousted from the matrimonial house.

4. Learned counsel for the petitioner denies the prosecution case and submits that at no point of time this



petitioner ever tortured or harassed the informant for dowry. He next submits that as a matter of fact, petitioner and informant were in love and they solemnized marriage after knowing each other for a very long period of time. He further submits that allegation of torture and harassment for dowry against the petitioner is general and omnibus and petitioner has falsely been implicated in this case due to petty family dispute.

5. However, learned counsel for the O.P. No. 2 opposed the bail application and submits that petitioner is husband of the O.P. No. 2 and there is specific and direct allegation of torture and harassment against the petitioner and he is not ready to keep O.P. No. 2 with him. He next submits that in order to save her life from the petitioner, O.P. No. 2 has to live with her parents. He further submits that petitioner has failed to pay the maintenance amount of Rs. 10,000/- per month to the O.P. No. 2 as directed in the case under the Protection of Women from Domestic Violence Act and he is not even paying the maintenance amount of Rs. 2,000/- per month to the O.P. No. 2, towards the maintenance of his minor son, which has been ordered by learned Principal Judge, Family Court, Kaimur at Bhabua *vide* order dated 2nd April, 2024 in Maintenance Case No. 96(M) of 2022.



6. Considering the nature of accusation, conduct and failure on the part of the petitioner to pay the maintenance amount to the O.P. No. 2, prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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