

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15178 of 2024

Arising Out of PS. Case No.-330 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Kush Kumar S/O Jawahar Rai R/O Village- Bidupur Dih, P.S- Bidupur In The
Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arti Kumari D/O Shiv Chandra Ray R/O Village- Paharpur West, P.S-
Jurawanpur In The Distt.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in the

complaint petition and apprehending his arrest in

connection with Vaishali Complaint Case No. 330 of

2021 in which cognizance has been taken for the offence

punishable under Section 498(A) of the Indian Penal

Code read with Section 4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to

commit cruelty against O.P. No. 2/wife.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife. It is pointed that allegation of cruelty and demand of dowry appears general and omnibus. It is further submitted that O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs. 4,000/- as an ad-interim maintenance amount to O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before Learned Trial Court.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay ad-interim maintenance amount of Rs. 4,000/- to O.P. No. 2/wife, till disposal of the case, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court

within a period of four weeks, 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 S.D.J.M., Vaishali at Hajipur/concerned Court where the case is pending in connection with Complaint Case No. 330 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 4,000/- as an ad-interim maintenance amount to O.P. No. 2/wife on or before 7th day of English calendar month. Payment for the month of March be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of April onward be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner, on his expenditure, if any.

(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No.2.

(iii) Both conditions as above shall

remain in force till finding of learned Family Court on maintenance issue. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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