

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19657 of 2024

Arising Out of PS. Case No.-1374 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Durgesh Kumar Tiwari @ Durgesh Tiwary @ Guddu S/O- Radhakrishna
Tiwari R/O- Village- Matuk Chhapra, P.S.- Sarai, O.P.- Siwan, Dist.- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shashibala Devi W/O- Durgesh Kumar Tiwari @ Durgesh Tiwary @ Guddu
R/O- Village- Matuk Chhapra, P.S.- Sarai O.P.- Siwan, Dist.- Siwan. At
Present- Daughter Of Ram Naresh Pathak, Resident Of Villae- Atwa Karn,
P.S.- Hathua, Dist.- Gopalganj.
3. Ram Naresh Pathak S/O- Late Ganesh Pathak R/O- Village- Atwa Karn,
P.S.- Hathuwa, Dist.- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mrs.Pronoti Singh
Mr.Bijay Prakash Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-04-2024 Heard learned counsel for the parties.

2. The petitioner who is husband of opposite party
No. 2, apprehends his arrest in a complaint case punishable for
the offences under Sections 498A, 323, 504, 406, 120B of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

3. Petitioner is alleged to have committed torture and
harassment to opposite party no. 2 for dowry.

4. Learned counsel for the petitioner submits that the
petitioner offers and undertakes that he is ready to give



maintenance amount of Rs. 3000/- per month, starting from this month, to opposite party No. 2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3000/- (three thousand) per month to the opposite party No. 2, in the event of arrest/surrender within a period of six weeks from today, let the above-named petitioner 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 S.D.J.M., Gopalganj in connection with Complaint Case No. 1374 of 2021, Tr. No. 2177 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

- “(1) Opposite party No. 2 would file an affidavit before the court below and bring on record her savings bank account number for its communication to the petitioner.
- (2) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party No. 2.
- (3) 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.



(4) 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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