

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26050 of 2023

Arising Out of PS. Case No.-158 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Kundan Kumar Tiwari @ Kundan Kumar Tiwary, Son Of Rameshchandra
Tiwari Resident Of Mohalla - Vijay Colony, P.S. - Ishipur, Barahat, Distt. -
Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Preety Kumari, Wife of Kundan Kumar Tiwari, D/o Sri Girdhar Dubey
Resident of Mohalla - Manikpur, East of Durga Asthan, P.O. - Mirzanhat,
P.S. - Mozahidpur, Distt. - Bhagalpur, At present residing at Mohalla -
Rameshawar Nagar Colony, Bagbari, P.S. - Babarganj, Distt. - Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Deepak Kumar Sinha
For the Opposite Party/s :	Mr. Khurshid Anwar- A.P.P.
	Mr. Rajive Ranjan Singh
	Mr. Amit Ranjan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-02-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A of the Indian Penal Code and Section 4 of the D.
P. Act.

3. The learned counsel for the petitioner submits that
the petitioner, being husband, has been falsely implicated in the
present case. It is next submitted that the petitioner is still



willing to keep the opposite party no.2 with honour and dignity, but for reasons best known, the opposite party no.2 does not intend to restitute her conjugal rights. It is further submitted that out of the wedlock, a child was born, who presently is staying with the opposite party no.2. It is next submitted that petitioner works in a mobile repairing shop and thus, earns about Rs.12000/- to Rs.15000/- in a month, but then, submits that he is willing to pay a monthly maintenance of Rs.3,000/- to the opposite party no.2.

4. The learned counsel for the opposite party no.2 submits that he has instructions to make submission that in the event, if petitioner is willing to pay a monthly maintenance of Rs.3,000/-, in that event, the opposite party no.2 shall not oppose the anticipatory bail application of the petitioner.

5. The learned counsel for the petitioner, at this stage, submits that the monthly maintenance, as agreed, would commence from 11.03.2024, on which the learned counsel for the opposite party no.2 submits that he will whatsapp the bank account number of the opposite party no.2 on the whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner, so that the monthly maintenance commences



from 11.03.2024.

6. Considering the submissions made by the learned counsel for the parties, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhagalpur in connection with Complaint Case No.158 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if the petitioner, as agreed, does not pay the monthly maintenance amount for two consecutive months.

(Satyavrat Verma, J)

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