

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70873 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rahul Kumar S/O Vipin Kumar @ Vipin Singh R/O Village- Purab Tola, P.S-
Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinita Kumari W/O Rahul Kumar, D/O Madan Singh R/O Village- Purab
Tola, P.S- Bakhtiyarpur, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-02-2024 1. 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 complaint and
apprehending his arrest in connection with Complaint Case No.
381 of 2022 registered for the offences punishable under Section
498A of the Indian Penal Code alongwith Section 3/4 of Dowry
and Prohibition Act.

3. The allegation against the petitioner is to commit
cruelty upon O.P. No. 2/wife.

4. Learned counsel appearing on behalf of the
petitioner submitted that out of certain family disputes, O.P. No.



2/wife left the house of petitioner by deserting him and since then she is living with her parents. It is submitted that even as a matter of good gesture, petitioner/husband is ready to pay Rs. 5,000/- per month as an ad-interim maintenance to O.P. No. 2/wife without fail before 7th day of every English calendar month, till pendency of case before the learned trial court or finding of competent Family Court *qua* maintenance in issue. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned counsel appearing on behalf of the opposite party no. 2 has not objected ad-interim amount for the present.

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. 5,000/- 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 Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M., Barh, Patna/concerned Court, where the case is



pending in connection with Complaint Case No. 381 of 2022
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C. with further conditions :

(i) Petitioner shall pay Rs. 5,000/- 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 February be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of March 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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