

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69822 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA PS District- East Champaran

Nitish Kumar @ Nitish Tiwary Son Of Krishna Tiwary Resident Of Village -
Ajjari Math, P.S. - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Devi Daughter Of Late Sanjay Thakur, Wife Of Nitish Tiwary @ Nitish Kumar Resident Of Village - Tejpurwa, P.O. - Sonwal, P.S. - Malahi, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Rathore @ Kundan Kumar, Adv.
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP
		Mr. Shailesh Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 29-08-2024 Earlier, the matter was referred to District Mediation Centre, Motihari, but the dispute between the parties could not be settled through the process of mediation and as such, mediation failed (report at flag 'M').

2. Heard learned counsels for the parties.

3. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 23 of 2023 for the offences punishable under Sections 498A, 323, 341, 506, 504, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the husband of the Opposite party no. 2. The petitioner offers and undertakes that he is ready to



give maintenance amount of Rs. 3,000/- per month, starting from this month, to opposite party no. 2.

5. Learned counsel appearing on behalf of the opposite party no. 2 does not dispute the contention made on behalf of the petitioner.

6. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3,000/- (three thousand) per month to the opposite party no. 2, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Mahila P.S. Case No. 23 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as on the following conditions:-

‘(i) 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.

(ii) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the O.P. No. 2.

(iii) 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.

(iv) 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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