

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71415 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- KORHA District- Katihar

Sanjeev Kumar @ Sanjiv Kumar Son Of Ram Bharoshi Poddar R/O Village-
Amarpur, P.S.- Amarpur, District- Banka. Petitioner/S
Versus

1. The State of Bihar.
2. Komal Kumari Wife Of Sanjeev Kumar @ Sanjiv Kumar, D/O Kare Lal Poddar R/O Village- Gerawari Bazar, Ward No. 05, P.S.- Korha, Dist.- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 the F.I.R. and apprehending his arrest in connection with Korha Police Station Case No. 171 of 2023 registered for the offences punishable under Section 498 A/34 of the Indian Penal Code and 3/4 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 O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs.



2,000/- 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. 2,000/- 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 Sub-Divisional Judicial Magistrate, Katihar/concerned Court below where the case is pending in connection with Korha Police Station Case No. 171 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:-

(i) Petitioner shall pay Rs. 2,000/- 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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