

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77881 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- MAHILA PS District- Buxar

MANISH TIWARI son of Rajendra Tiwari R/O Village- Thori Pandeypur PS-
Murar, Dist. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUPRIYA DEVI D/O GIRENDRA NATH OJHA R/O VILLAGE-
GARAHIYA, PS. SIKRAUL, DIST. BUXAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 12-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel appearing on behalf of the
informant/opposite party no. 2.
2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 323, 379 and 498(A)/34
of the Indian Penal Code as well as Sections 3 and 4 of the Dowry
Prohibition Act.
3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the instant
case by the informant/opposite party no. 2. It is further submitted that
petitioner, during the course of investigation, was given the benefit of
Section 41(A) of the Cr.P.C. and the said benefit was never misused
but the police after investigation submitted charge-sheet and
cognizance has been taken, thus, apprehends his arrest. It is next



submitted that the learned DV Court has directed the petitioner to pay a monthly maintenance of Rs.5,000/- by way of maintenance along with Rs.10,000/- by way of litigation cost. It is also submitted that the relationship in between the petitioner and the opposite party no. 2 has soured to an extent where it is not possible to revive the conjugal relationship. It is further submitted that petitioner has filed a divorce case seeking divorce from the opposite party no. 2 which is pending before the Court of learned Principal Judge, Family Court, Buxar.

4. Learned counsel for the petitioner submits that petitioner will pay the amount of maintenance as directed by the learned DV Court. It is further submitted that as on date, the arrear has mounted to Rs.40,000/-. It is next submitted that the arrears would be paid on or before the date of surrender and thereafter the petitioner will continue paying the amount of Rs.5,000/- as directed by the learned DV Court. It is also submitted that the litigation cost would also be paid on or before the date of surrender.

5. Learned counsel appearing on behalf of the opposite party no. 2 submits that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to comply with the orders of the learned DV Court but then submits that petitioner is posted in the Cobra Battalion, CRPF, Chhattisgarh and the amount of maintenance fixed by the learned DV Court is minimal on which learned counsel appearing on behalf of the petitioner submits that if the opposite party no. 2 is aggrieved by the order of



maintenance passed by the learned DV Court, the opposite party no. 2 has remedy available in law and can even approach the Court of competent jurisdiction for fixing maintenance.

6. At this stage, learned counsel appearing on behalf of the opposite party no. 2 submits that the bank account number of the opposite party no. 2 shall be sent on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the arrears and the monthly maintenance along with the litigation cost is credited.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Buxar (Mahila) P.S. Case No. 48 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify whether the petitioner on or before the date of surrender has credited an amount of Rs.50,000/- in



the account of the opposite party no. 2 or not and if it is found that the amount of Rs.50,000/- has not been credited in the account of the opposite party no. 2 on or before the date of surrender in that event, the present anticipatory bail order shall not be given effect to.

10. However, if the amount has been credited in that event, the anticipatory bail bonds shall be accepted forthwith.

11. It is further 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, if the petitioner does not deposit the amount of maintenance as directed by the learned DV Court for two consecutive months.

(Satyavrat Verma, J)

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