

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79588 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Tunu Kumar @ Tullu Kumar Son of Sri Ram Narayan Sah R/O Village-
Rajwara, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/S

Versus

1. The State of Bihar
2. Rambha Kumari Wife of Tunu Kumar @ Tullu Kumar, D/O Of R/O Village-
Rajwara, P.S.- Sahebganj, District- Muzaffarpur, At Present R/O Village-
Indradev Chowk, P.O.- Karnaul, P.S.- Sahebganj, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-03-2024 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 FIR and
apprehending his arrest in connection with Sahebganj
P.S. Case No. 100 of 2023 registered for the offences
punishable under Sections 341, 323, 504, 506, 498/34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. The allegation against this petitioner, who is



husband, is to commit mental and physical 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 left the house of petitioner by deserting him and since then she is living with her parents. It is submitted that as a matter of good gesture, petitioner is ready to pay cash of Rs. 3,500/- as an ad-interim maintenance on monthly basis 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 APP duly assisted by learned counsel appearing for the informant opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as the petitioner is ready to pay ad-interim maintenance to O.P. No. 2, accordingly, the above named petitioner, in the event of his arrest or



surrender before 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, Muzaffarpur (West)/concerned Court, where the case is pending in connection with Sahebganj P.S. Case No. 100 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions:-

“(i) That petitioner shall pay Rs. 3,500/- as an ad-interim maintenance to O.P. No. 2/wife on or before 7th day of English calendar month till finding of Family Court regarding maintenance issue.

(ii) That payment for the month of March be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of April onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his expenditure.



(iii) That 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/wife.”

(Chandra Shekhar Jha, J)

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