

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79788 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- MAJHAULIA District- West Champaran

RAJAN SHARMA SON OF RAM CHANDRA SHARMA R/O VILLAGE-
BAHUARWA, P.S.- MAJHAULIYA, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. SEEMA DEVI WIFE OF RAJAN SHARMA, D/O CHUMAN SHARMA
R/O VILLAGE- BAHUARWA, P.S.- MAJHAULIYA, DIST.- WEST
CHAMPARAN, AT PRESENT- VILLAGE- LAUKARIYA, P.S.-
PALANWA, DIST.-EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 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 the F.I.R. and
apprehending his arrest in connection with Majhauliya P.S. Case
No. 18 of 2023 registered for the offences punishable under
Sections 498 A, 313, 323, 494, 506 and 34 of the Indian Penal
Code and Section 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 petitioner is desirous to lead his



conjugal life with O.P. No. 2/wife. Learned counsel also filed statement of O.P. No. 2/wife, where she stated during enquiry that she wanted to lead her conjugal life with petitioner. It is pointed that allegation of cruelty and demand of dowry appears general and omnibus. It is submitted that O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs. 3,500/- 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. 3,500/- 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 Chief Judicial Magistrate, Bettiah, West Champaran/concerned Court



where the case is pending in connection with Majhauriya P.S. Case No. 18 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. 3,500/- 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 March be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of April 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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