

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13276 of 2025

Arising Out of PS. Case No.-312 Year-2024 Thana- MAIRWAN District- Siwan

Raman Kumar Tiwari @ Raman Kumar s/o Upendra Tiwari R/o
Raghunathpur, PS- Raghunathpur, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sunita Kmari W/o Raman Kumar Tiwari @ Raman Kumar, D/o Upendra Tiwari R/o Raghunathpur, PS-Raghunathpur, Distt.- Siwan at present d/o Dinbandhu Upadhyay, R/o Main Road Mairwa, PS- Mairwa, Distt.- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Syed Alamdar Hussain, Sr. Advocate Mr. Ashutosh Kumar Mishra, Advocate
For the Opposite Party/s :	Mr.D.K. Sinha, Sr. Advocate Mr. Ajay Kumar Pandey, Advocate Mr. Alexander Ashok, Advocate Ms. Shyama Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 28-11-2025 Heard Mr. Syed Alamdar Hussain, learned Senior Counsel for the petitioner and D.K. Sinha, learned Senior Counsel for the opposite party no.2.

2. The petitioner is apprehending arrest in connection with Mairwa P.S. Case No. 312 of 2024 instituted under Sections 85, 3(5) of Bhartiya Nayay Sanhita, 2023 and Section 3/4 of the D.P. Act lodged on 04.09.2024 by the informant, Sunita Kumari.

3. As per the prosecution story, the informant alleged that she was married with the petitioner on 08.05.2023 but was



always tortured for dowry. The petitioner wanted a car and failure to gift the same, she was assaulted and finally thrown out on 08.05.2024. This led to the FIR.

4. Learned counsel for the petitioner submits that his economic condition is such that he cannot even maintain a car and as such there is no question of demanding it. Further, the situation so arose, the lady left the place, in any case, she being legally wedded wife, from the limited economic resources that he has, he intends to pay Rs.8000/- per month to the opposite party no.2 to be paid by 10th of every month for her maintenance.

5. Learned Senior Counsel for the opposite party no.2 on the other hand opposes the prayer submitting that, the allegation of torture/assault is there but despite that the lady wants to continue the marital relationship with the husband.

6. The allegation is there, marriage took place only in the year 2023, for one year, they have separated, there is chances of them coming together, an offer has been made by the husband to maintain the lady, FIR is there, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.8000/- per month to be sent to the bank account of the lady



by 10th of every month. Failure to do so, the lady shall be free to take steps for cancellation of bail bonds.

7. If any maintenance case is file by the lady before the Court concerned, this order will merge with the final order passed by the said Court.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mairwa P.S. Case No. 312 of 2024 to the satisfaction of learned S.D.J.M., Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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