

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79914 of 2024

Arising Out of PS. Case No.-256 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Amit Kumar Tiwary S/o- Late Rang Tiwary Village- Gopalpur P.S-Kargahar
District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruchi Tiwary @ Ruchi Devi D/o- Tribhuwan Tiwary, W/o- Amit Kumar Tiwary Village- Jamurni Po-Karmnasha Ps-Durgawati Dist- Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Rai, Advocate Mr. Chandan Kumar, Advocate
For the Informant	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Udai Pratap Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 05-05-2025 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party no.
2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code.

3. As per the prosecution case, the complainant states that her marriage was solemnized with the petitioner in the year 2019 and the allegation is that the petitioner, along with other accused persons, started to assault her mentally and physically on account of non-fulfillment of demand of dowry and also ousted her from matrimonial house. Vide earlier order dated 29.01.2025, the matter was sent to the Patna High Court,



Mediation Center for reaching an amicable settlement between the parties but the process of mediation has failed.

4. Learned counsel for the petitioner submits that the allegations made in the complaint are not correct and as a matter of fact, there were differences beginning to arise between the parties within a week of their marriage, as the complainant used to keep herself engaged on the mobile phone owing to which, the petitioner had an apprehension that the complainant is in a relationship with someone else and that is the reason she is not desirous of continuing her matrimonial relationship with the petitioner. Under such circumstances, the petitioner was compelled to file a Divorce Case No.232 of 2020 and a copy of the same has also been annexed as Annexure-P/2 to the present application.

5. The prayer for bail is opposed by learned APP for the State and the learned counsel appearing for the O.P. No.2, who has supported the allegations made in the complaint and also states that she has one child out of the wedlock.

6. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 5,000/- to his wife in the second week of every month for her basic requirements. It goes without saying that the aforesaid payment



shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

7. Taking into consideration the fact and circumstances, I am inclined to grant the petitioner the privilege of anticipatory bail. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Kaimur at Bhabua, in connection with Complaint Case No.256(c) of 2021 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

8. If the O.P. No.2 furnishes the bank account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the O.P. No.2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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