

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30813 of 2015

Arising Out of PS.Case No. -488 Year- 2014 Thana -SIWAN COMPLAINT CASE District-SIWAN

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Ajit Kumar Singh, son of Uma Shankar Singh, resident of Village-Bajarahiya, P.S.-Gautam Budh Nagar. At present Village-Sinhauta Bazar, P.S.-Mahrajganj, District-Siwan

.... Petitioner/s

Versus

1. State of Bihar.
2. Nitu Devi, W/O Ajit Kumar Singh, D/O Sudarshan Prasad Singh, resident of Village-Bajarahiya, P.S.-Gautam Budh Nagar and Sinhauta Bazar, P.S.-Mahrajganj, District-Siwan. At present D/o Sudarshan Prasad Singh of Village-Karhi Kala, P.O.-Hussepur Nand, P.S.-Basantpur, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the Opposite Party/s : Mr. Murlidhar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-08-2015 Heard learned counsel for the petitioner and learned counsel for the opposite parties.

The petitioner and Opposite Party No.2 are present in Chambers today.

After hearing learned counsel for the petitioner and O.P. No.2 and also after much deliberations it has emerged that the petitioner has been complying with the interim order of maintenance and depositing Rs.3500/- per month. However, the petitioner submits that in the month of June and July, 2015, he could not deposit the amount as fixed i.e., Rs.3500/- per month as the complainant has stated that she will be giving Bank account

number but since the same was not supplied, there was a fault on her part and for the past two months, he has been unable to deposit the interim maintenance amount. He, however, submits that even yesterday, he had gone to deposit the amount and still willing to do so, but the Court, where it is required to be submitted, was not present and, therefore, it could not be deposited.

Be that as it may, in view of the nature of allegations made by the parties and also because the petitioner, though willing to pay interim maintenance, is not at all inclined to keep his wife and child with him as he has already been subjected to much humiliation and indignity, he would not give such undertaking for taking the complainant back to her matrimonial home.

Considering the nature of allegations made, the attitude of the petitioner and that though the lady in question is willing to go back to him and there being serious disputes between the parties, this Court feels that the interim order dated 12.8.2015 be confirmed. It is ordered accordingly.

Let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Sub-Divisional Judicial Magistrate,
Siwan, in connection with Comp. Case No.488 of 2014, subject to
the conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Anjana Mishra, J)

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