

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6982 of 2015

Arising Out of PS.Case No. -886 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Subash Singh Yadav @ Subhash Singh Yadava @ Subhesh Singh
Yadava Son of Sri Kant Yadav resident of Village - Chakani Khaira, Police
Station - Simri, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. Mamta Devi Wife of Subash Singh Yadav @ Subhash Singh Yadava @
Subhash Singh Yadava, daughter of Raghunath Yadav resident of village -
Isarpura, Post Office - Karnamepur, Police Station - Shahpur, District -
Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anil Kumar Roy

For the Opposite Parties : Mr. B.Ram(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 03-07-2015 Heard learned counsel for the petitioner and the

complainant.

Petitioner is husband of the complainant and facing

accusations punishable under section 498A of the IPC.

It has been submitted on behalf of the petitioner that

prior to lodging of the case petitioner lodged a matrimonial suit
for divorce alleging that while he was on duty continuously for
certain period the wife begot a boy. The petitioner, therefore,
suspects that he is not biological father of the boy. With these
assertions he has lodged the proceeding whereafter the present

case has been lodged. No sooner the test certify that the child is his biological son he will make sincere effort to resolve the discord between him and the wife and live with her happily. The petitioner shall ensure that in the meanwhile the wife and boy are taken care of.

Learned counsel for the complainant, on the other hand, states that the suspicion of the petitioner is frivolous. She is always ready and willing to live with the husband provided he is ready to do so.

Considering the entire facts of the case, I am persuaded to extend the benefit of anticipatory bail to the petitioner on condition that the petitioner continues to pay a sum of Rs. 1500/-(One thousand five hundred) as interim maintenance subject to any order which the Court having jurisdiction in the matter passes a fresh order. The petitioner shall ensure payment of the aforesaid amount regularly by crediting the same in the account of the complainant to be provided by her and/or deposit the same in the Nazarat of the Civil Court to be withdrawn by the complainant.

As a token, along with the bail bonds he shall pay a sum of Rs. 4,500/- (Four Thousand Five Hundred) as the interim maintenance amount for the months of July, August and

September, 2015 to the complainant.

Let the petitioner, named above, under the aforesaid conditions, in the event of his arrest/surrender before the learned Court below within a period of five weeks from today , 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, Ara, in connection with Complaint case no. 886(c) of 2012, Trial no. 3615 of 2012 subject to the conditions as laid down under Section 438(2) of the Cr. P.C. It will be open to the complainant to seek cancellation of his bail if the petitioner defaults in payment of interim maintenance amount to her as submitted and recoded in this order.

Shyam/-

(Kishore Kumar Mandal, J)

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