

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21453 of 2015

Arising Out of PS.Case No. -8 Year- 2015 Thana -MAHILA P.S. District- PATNA

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1. Kundan Kumar Singh @ Kundan Singh Son of Shree Sushil Prasad Singh
R/o village - Saroja, P.S. Simri, Bakhtiarpur, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Priya Singh Wife of Kundan Kumar Singh, D/o Chandra Bhushan
Prasad Singh H.No. A/47, Birla Colony, Phulwarisharif, P.S.
Phulwarisharif, Distt. - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party/s : Mr. Anant Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 13-10-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel for the opposite party No. 2.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
498(A)/34 of the Indian Penal Code.

The petitioner and opposite party No. 2 are present in
chambers today. I have interacted closely with both the parties. The
petitioner is adamant that he will not keep opposite party No. 2
with him. He further submits that he tried on several occasions but
on all occasions the opposite party No. 2 did not co-operate with
him properly and as such he is not willing to try any further and
shall face any consequences, whatsoever. He is totally recalcitrant

and there is no scope of reconciliation at present. I have interacted with opposite party No. 2 who has narrated entire story regarding her marriage which was purely arranged marriage and out of the said wedlock, she was blessed with two daughter at intermediate intervals. She has submitted that she was forcibly subjected to frequent abortions and after the death of her second child, both of which are girls, the matters became worse and on one occasion, when she conceived after her second issue which was delivered by caesarean, she became too weak and the child was four month old in womb died in her womb which necessitated the removal of the same at that point of time, the petitioner has behaved in the most callous manner leaving her all alone in the hospital causing much hardship and grief to her both physically and mentally. An offer was also extended to the petitioner that he pay some amount so that she alongwith her two baby girls may exist and sustain themselves in their maternal home. After much negotiations, the petition has agreed to pay an amount of rupees six thousand per month beginning from November, 2015 which shall be paid by him in the account of the opposite party No. 2 by the tenth of each month.

It is made clear that if the petitioner defaults in the payment of the aforementioned amount on two consecutives dates, it shall be open for the opposite party No. 2 to take appropriate steps in

accordance with law. In case, the first installment deposited by the petitioner by the 10th of November, 2015 then in the event of his arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No. 8 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is also requested by opposite party No. 2 and agreed upon by the petitioner that he shall return whatever items of the opposite party No. 2 and her child are lying with the petitioner. The said return should be affected in presence of learned counsel appearing for opposite party No. 2 on or before 10th of November, 2015.

(Anjana Mishra, J)

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