

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29009 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

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Praveen Kumar Shukla @ Praveen Kumar Son of Upendra Shukla,
Resident of Village - Titidha, P.S. - Rajapakar (Baranti O.P.), District -
Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Sunita Shukla @ Sunita Devi, Wife of Praveen Kumar Shukla, Resident
of Village - Bishunpur Titidha, P.S. - Rajapakar (Baranti O.P.), District -
Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Umesh Lal Verma, APP
For O.P. No.2 : Mr. Sachidanand Choudhary

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 14-10-2015 Heard learned counsel for the petitioner and learned

counsels appearing on behalf of opposite party No.2 and for the

State.

The petitioner is apprehending his arrest in connection
with Rajapakar (Baranti O.P.) P.S.Case No. 20/15 registered under
Sections 341, 323, 504, 506, 498A of the IPC and Sections 3 & 4
of the Dowry Prohibition Act.

The matter has lingered for sufficient length of time. The
petitioner is the husband of the informant, opposite party No.2,
with whom he has been having difference since 2001 itself.

Learned counsel for the petitioner submits that the lady in

question, his wife, had filed a case for maintenance but the claim for interim maintenance having been rejected she has adopted another method and filed the present case under Section 498A. Learned counsel further submits that the petitioner is ready to keep her with all dignity and honour as on date.

After considering the records of this case it appears that it was only an application for interim maintenance of the complainant which was dismissed for default and not on merits. Vide order dated 19.2.2002 the court considering the petition for payment of interim maintenance directed the payment of Rs.500/- per month to the son of opposite party No.2 by the petitioner. However, the claim for interim maintenance of opposite party No.2 was rejected at the said stage for want of evidence and she was asked to produce further evidence. It appears that the court was absent for a sufficient length of time and when it resumed opposite party No.2 could not present herself and the matter continued for some dates and thereafter she appeared and filed her show cause showing reasons for her absence. In the said case the petitioner herein being the husband of opposite party No.2 was also absent for several dates. On the last date when the matter of interim maintenance was to be considered, vide order dated 5.2.2005 the claim of interim maintenance was dismissed for

default.

Learned counsel for the petitioner submits that only after dismissal of the maintenance case the present case under Section 498A has been filed making false and frivolous allegation against him.

Learned counsel appearing on behalf of opposite party No.2 submits that the order for giving interim maintenance to the child has been complied only for the period of 2 to 3 years and thereafter the said amount was not given by the petitioner. So far as interim maintenance with regard to opposite party No.2, the wife, is concerned, it having been dismissed for default there was no question for payment to her.

Whatever may be the history of the case, the present situation is such that though the petitioner was called in the Chambers as he had stated that he was ready and willing to keep his wife with all dignity and honour but after hearing the parties in Chambers the matter was not settled between the parties and the matter was directed to be heard in Court on merit.

Learned counsel for the petitioner submits that the petitioner could have spent money for whatever expenditure that was incurred towards education of his son but the same has been spent by opposite party No.2 without any consent of the petitioner.

It is evident from such submission that the petitioner having deserted the opposite party No.2 and having also entered into illicit relation with another woman is now trying to avoid his wife and son and, as such, he is not entitled to the privilege of anticipatory bail.

The application is dismissed.

(Anjana Mishra, J)

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