

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19809 of 2015

Arising Out of PS.Case No. -710 Year- 2013 Thana -PATNA COMPLAINT CASE
District- PATNA

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Vinay Kumar Rishi, son of Sunil Kumar, resident of Mohalla- Chhoti Nagla, P.S.- Patna City, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Nikita Kumari, W/o Vinay Kumar Rishi, D/o Shree Nagendra Prasad @ Lallu, R/o Mohalla- Parmeshari Dayal Lane, P.S.- Pirbahore, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sudish Kumar, Advocate

For the S t a t e : Mr. Binod Kumar- 3 (APP)

For O.P. No.2 : Mr. Surya Narain Yadav, Advocate

Mr. Yogendra Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

5 29-10-2015 In pursuance of the order dated 6.10.2015, the petitioner is present along with his daughter, namely, Aakansha Kumari. O.P. No.2 Nitika Kumari is also present with her son, namely, Umang Raj, who was born after she left her matrimonial home.

It appears that O.P. No.2 is not willing to live with the petitioner as she has faced much mental torture in her matrimonial home. Daughter Aakansha Kumari is also not willing to go and live with her mother (O.P. No.2), instead she is willing to live with her father and grand-parents.

Considering the entire gamut of circumstances and in view of the fact that O.P. No.2 has declined to go with the petitioner, it would be in the interest of justice that the baby boy

born out of the said wedlock be taken care of and some interim sustenance amount be given for his welfare and upkeep to O.P. No.2.

Accordingly, this Court directs that the petitioner shall pay by way of interim measure till any interim maintenance amount is determined by the concerned Family Court, a sum of ₹3,500/- (Rupees Three thousand five hundred) per month to O.P. No.2, which shall be payable by the petitioner on the 10th of each month in the account indicated by O.P. No.2 and/or in the court below.

In case the first such instalment is deposited by the petitioner on or before 10th of November, 2015, thereafter, let the petitioner, above named, in the event of his arrest or surrender before the court below, 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 Chief Judicial Magistrate, Patna, in connection with Complaint Case No.710(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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