

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12898 of 2015

Arising Out of PS.Case No. -2599 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

Tarak Nath Rai, S/o Krishna Rai, Resident of village- Mahmadda, P.S.
Pusa, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi, W/o Tarak Nath Rai, Resident of village- Mahmadda, P.S.
Pusa, District Samastipur. At present D/O Late Sita Ram Rai, Resident of
village- Kewata, P.S. Dalsingsarai, District- Samastipur

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Arun Kumar (APP)
For O.P. No.2 : Mr.Ashok Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 14-09-2015 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the complainant

(Opposite Party No.2) as well as the learned counsel for the

State.

The petitioner is apprehending his arrest in
connection with Complaint Case No.2599 of 2013, T.R.
No.4252 of 2014, for allegedly having committed the offence
under Sections 323, 324 and 498A of the Indian Penal Code.

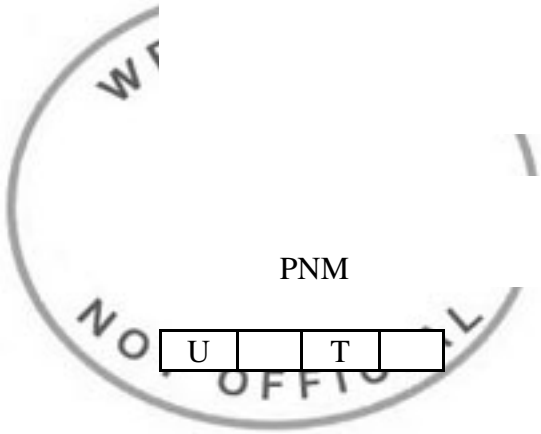
Learned counsel for the petitioner submits that
though the petitioner is willing and ready to keep his wife with
all honour and dignity, she is not willing to live with him. It is

submitted that the petitioner is a *Dhunki* working at Kolkata and has only seasonal earnings. Learned counsel for the complainant, however, submits that the complainant is saddled with the baby girl and is at the verge of starvation.

Considering the peculiar facts and circumstances of the case, it is directed that let the petitioner deposit a sum of Rs.1500/- per month in the court below beginning September, 2015 latest by 30th September, 2015 and thereafter he shall deposit the said amount by the 10th of each month. In the event of petitioner's depositing the first instalment, payable to Opposite party No.2 by 30th of September, 2015, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks thereafter, 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 Shri Shankesh Chandra, learned Judicial Magistrate, 1st Class, Samastipur, in connection with Complaint Case No.2599 of 2013, T.R. No.4252 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to deposit the amount aforementioned for two consecutive months, it will

be open to Opposite Party No.2 to move this Court for
cancellation and/or modification of the order.



(Anjana Mishra, J)