

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24889 of 2015

Arising Out of PS.Case No. -156 Year- 2014 Thana -PANDAU District- MADHUBANI

Kamlesh Yadav, Son of Ganesh Yadav, Resident of village - Kamalpur,
Tole - Ghritkundli, Police Station - Pandaul, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi, Wife of Kamlesh Yadav, Resident of village - Kamalpur,
Tole - Ghritkundli, Police Station - Pandaul, District - Madhubani

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate
For the State : Mr. Gopesh Kumar(APP)
For O.P. No.2 : Mr. Manoj Kumar Jha, Advocate.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 15-12-2015 Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of O.P. No.2 as well as the learned
counsel for the State.

The petitioner and the O.P. No.2 are present in person.

After much interactions and deliberations, it appears that
the petitioner is unwilling to take his wife and small daughter to
her matrimonial home. It also appears that the petitioner is
absolutely recalcitrant and is not willing to continue living with
her, though O.P. No.2 has expressed her willingness and is eager
to go to her matrimonial home. The petitioner submits that he is
currently earning around Rs.12,000/- (Twelve thousand) per
month as on date in Mumbai, where he is working as auto Driver.

Be that as it may, this Court feels that for the purpose of interim sustenance to O.P. No.2 and their daughter, the petitioner should pay some amount.

It is, thus, directed that the petitioner shall deposit a sum of Rs.5,000/- (Five thousand) per month henceforth in the court below; beginning 15th of January, 2016 and shall continue to pay the same till the time any settlement is arrived at between the parties.

In the event of the petitioner making deposit of the first instalment on or before 15th of January, 2016, 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, Madhubani, in connection with G.R. No.2329 of 2014 arising out of Pandaul P.S. Case No.156 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to deposit the aforementioned amount for a consecutive period of two months, it will be open to O.P.No.2 to move this Court or the court below for modification/cancellation of the order passed today.

It is also clarified that the amount so deposited shall be released for the welfare of the child so that she can be educated in a proper environment and her future may be developed.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--