

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17008 of 2015

Arising Out of PS.Case No. -1206 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Chandra Bhushan Dubey son of Ram Gopal Dubey, R/o village Kothari,
P.S.- Telhara, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 19-05-2015 Learned counsel for the petitioner is directed to add the
complainant as O.P. No. 2.

Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complaint case filed with accusation
under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner has performed second marriage and has
five children out of the second marriage hence, reconciliation is
not feasible at present.

The learned Additional Principal Judge, Family Court,

Patna in Maintenance Case No. 196M of 2010 directed for payment of Rs.2000/- per month to the complainant and Rs.500/- each to the children of complainant from the date of order i.e.4.9.2012. The payment was directed to be made by the 15th day of every succeeding month.

It is submitted by the learned counsel for the petitioner that the petitioner has paid altogether Rs.30000/- of the maintenance amount awarded.

It is submitted by the leaned counsel for the complainant that the petitioner is transferring major portion of property in favour of second wife and not making payment of the maintenance amount to the complainant. It is further submitted that the petitioner be restrained from alienating the properties.

The aforesaid prayer, in view of this court, may be made in the appropriate proceeding, if so advised.

The petitioner undertakes to make payment of maintenance amount as awarded by the learned Additional Principal Judge, Family Court, Patna within eight weeks.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of

Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Danapur in connection with Complaint Case No. 1206C of 2010 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on verification of the fact that the entire maintenance amount has been paid to the complainant.

(Dinesh Kumar Singh, J)

Anil/-

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