

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31714 of 2015

Arising Out of PS.Case No. -188 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Niranjeev Kumar Singh, Son of Late Hareshwar Prasad Singh, Resident of
Village- Fatehpur Bujurg, P.S.- Desari(O.P. Sadai Bujurg), District-
Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2.Khusbu Devi, D/o Sri Deep Narayan Singh, Resident of Village-Lal
Vasanta, P.S.-Lalganj, District -Vaishali at Hajipur.

.... Opposite Party/s

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Appearance :

For the Petitioner : Dr. Om Prakash Om, Advocate

For the S t a t e : Mr. Navin Kumar Pandey(APP)

For O.P. No.2 : Mr. Atul Chandra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and the learned
counsel appearing for Opposite Party No.2.

The petitioner and Opposite Party No.2 are present in
Chambers today. After interacting with both the parties, this Court
has come to the conclusion that it is not possible to bring about
immediate reconciliation between the parties. Opposite Party No.2
has expressly stated that she is fearful of going back to her
matrimonial home to live with her husband on account of the fact
that she has faced serious threat from him; not one but on many
occasions. As such, she is unable to accept the offer made by the
petitioner to return back to her matrimonial home.

The petitioner, however, submits that he is even as on

today willing to take the complainant with him to her matrimonial home and keep her with all honour and dignity. He has also submitted that whatever grievance the Opposite Party No.2 has, he is willing to meet the same and restore back her confidence and keep her peacefully in her matrimonial home. However, Opposite Party No.2 despite his offer has flatly declined to accept the same.

Learned counsel for the petitioner submits that the petitioner is a practising Advocate in the court of S.D.O., Mahnar, Vaishali. He submits that though Opposite Party No.2 is not willing, the petitioner may not be penalized for the same and the interim order issued in his favour may be extended.

This Court had also the occasion to interact with Opposite Party No.2, who has explained her financial situation and submits that her father is facing acute financial crisis but somehow he is maintaining her. She has submitted that for want of basic needs, she is facing serious hardship.

Considering the present facts and circumstances, this Court feels that the petitioner should arrange interim payment to Opposite Party No.2 so that at least she can sustain herself during the pendency of any maintenance case either filed or proposed to be filed by her.

It is, thus, directed that the petitioner shall deposit a sum of Rs.3,000/- (Three thousand) per month to Opposite Party No.2

in her Bank Account bearing Account No.34513659276, State Bank of India, Lalganj Branch, District-Vaishali, on or before 15th day of each month beginning today so as to facilitate the survival and existence of Opposite Party No.2.

In the event of the petitioner's depositing the said amount by the 15th of September, 2015 and upon his surrender within three weeks thereafter, let the petitioner be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anoop Singh, J.M. 2nd Class, Hajipur (Vaishali), in connection with Complaint Case No.188 of 2015, subject to the condition 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 aforementioned amount for continuous period of two months, it will be open to Opposite Party No.2 to approach this Court for modification of the aforementioned order.

(Anjana Mishra, J)

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