

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27070 of 2014

Arising Out of PS.Case No. -1824 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Vivek Mishra S/o Nand Kishore Mishra Resident of Mohalla Rampur Shiv
Mandir, 202, Delhi-35.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Swati Kumari w/o Vivek Mishra Residing at Veer Kunwar Singh
Colony, Ward No. 7, P.S. Town, District Samastipur.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Saket Tiwary
For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

14 28-07-2015 Heard Mr. N.K. Agarwal learned Sr. Counsel for
the petitioner and Mr. Krishna Prasad Singh learned Sr.
Counsel for the complainant.

Both parties are present in person.

The petitioner seeks anticipatory bail in
Complaint Case No. 1824 of 2013 registered u/s 498A of
the Penal Code lodged by the opposite party no.2.

Mr. Agarwal counsel for the petitioner submits
that all efforts made to resolve the matrimonial discord
between the parties have failed. The complainant has
also stated that she is not agreeable to divorce. It appears

that a proceeding for custody of the child is pending consideration at the instance of the complainant in which the same can be gone into.

Mr. Agarwal, however, after some arguments, states that for securing the privilege of anticipatory bail the petitioner is willing to pay certain amount as fixed by the court as interim maintenance until an appropriate order is passed by the court in a proceeding for maintenance or until resolution of the dispute between them.

Considering the facts and circumstances of the case, in the event of arrest/surrender the petitioner shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Samastipur in Complaint Case No. 1824 of 2013 on condition that one of the bailors shall be own/close family member of the petitioner. As a condition of anticipatory bail, the petitioner shall pay a sum of Rs. 5000/- as the litigation cost and shall continue to pay to the complainant a sum of Rs. 2500/- as interim maintenance each month regularly effective from the month of July,

2015 subject to any order which the court may pass on the application filed by the aggrieved party for maintenance. The petitioner will pay the said amount either by depositing in the court to be withdrawn by the complainant or by crediting the said amount in the bank account of the complainant and produce evidence thereof alongwith the bail bond(s). In case of default in doing so, the complainant shall be at liberty to seek cancellation of bail of the petitioner in the court below itself.

(Kishore Kumar Mandal, J)

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