**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.12564 of 2015**

Arising Out of PS.Case No. -99 Year- 2014 Thana -ISUAPUR District- SARAN

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Tarun Kumar Singh Son of Late Kailaspati Singh, resident of village- Gangoi, P.s.- Ishuapur, District- Saran

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, Daughter of Late Ravindra Nath Singh, resident of village- Aami Naurni Patti, P.S.- Dighwara, District- Saran

.... .... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Prashant Sinha
For the Opposite Party/s : Mr. Ganesh Prasad Singh (App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**
ORAL ORDER

4 26-11-2015 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the opposite party no. 2.

The petitioner as well as the opposite party no. 2 alongwith her baby daughter is present in Chambers today.

After much deliberations, it transpires that though the opposite party no. 2 is ready and willing to live with husband, the petitioner is absolutely recalcitrant and is making all sort of allegations and insinuations against the opposite party no. 2, so much so that he has also disputed the parentage of the baby girl borne out of the said wedlock. It thus appears to this Court that at present there is no scope of reconciliation. The statement made on affidavit by the petitioner that he is willing and ready to keep the opposite party no. 2 is far from truth. It also appears that the

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petitioner had obtained degree of restitution of conjugal rights but that litigation also appears to be a sham litigation only to create an atmosphere of innocence.

Be that as it may, for the present this court feels that as an interim measure the petitioner should make adequate arrangement for opposite party no. 2 so that she can exist and carry on her day-to-day activity alongwith her baby child and educate her baby child in an appropriate educational institution.

On interaction with the petitioner, it appears that he is getting around Rs. 26,000/- to 30,000/- per month including all allowances.

In that view of the matter, this Court directs that the petitioner shall give the opposite party no. 2 and his daughter a sum of Rs. 12,000/- per month which shall be deposited in the account of opposite party no.2 or in the court below on or before the 10th day of each month beginning from December, 2015. In the event of deposit of aforementioned amount by the petitioner by 10th of December, 2015, let the petitioner, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the

satisfaction of Judicial Magistrate, 1st Class, Saran at Chapra in connection with Ishuapur P.S. Case No. 99 of 2014, subject to the condition as laid down under Section 438 Cr.P.C.

In case, the aforementioned order is not complied with and the petitioner fails to deposit the aforesaid amount, it will be open for the opposite party no. 2 to move this Court for modification of the present order. It shall also be open to her to move the office of the Commandant of concerned Battalion so that the aforementioned amount may be deducted from his salary and handed over to the opposite party no. 2. The Commandant, on receipt of such application by the opposite party no. 2 shall take appropriate steps to deduct the aforementioned amount from the salary of the petitioner and credit the same in the account of the opposite party no. 2 within a fortnight of the receipt of the such application.

**(Anjana Mishra, J)**

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