

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28350 of 2014**

Arising Out of PS.Case No. -663 Year- 2013 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Bamjit Kumar Son of Kamta Prasad Resident of Village - Sawazpura, More  
Phulwarisharif, Khagaul Road, Police Station - Phulwari Sharif, District –  
Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Smt. Shivani Devi Wife of Sri Bamjit Kumar and Daughter of Sri Radha  
Mohan Gupta At present residing in Prameshwar Singh Lane, West  
Lohanipur, Post AND Police Station - Kadamkuan, District - Patna

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

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

2      15-04-2015      Heard learned counsel for the parties.

Having regard to the fact that the petitioner had  
earlier withdrawn his application for grant of  
anticipatory bail vide an order dated 4.6.2014 in Cr.  
Misc. No. 12113 of 2014 this fresh application for  
anticipatory bail on the ground that subsequently an  
order granting maintenance to opposite party no. 2 under  
Section-24 of the Hindu Marriage Act passed by the  
family Court has been complied by the petitioner cannot  
be by itself a ground for now renewing his prayer of  
anticipatory bail.



The petitioner, therefore, must surrender before the Court below and if the Court below on enquiry from opposite party no. 2 finds that the petitioner is regularly paying the amount of maintenance of Rs. 7000/- every month as fixed by the Family Court to her and has also cleared the entire dues of the maintenance, it shall release the petitioner on bail by putting a specific condition of compliance of the order of the Family Court by way deposit of the amount of maintenance being punctually made by the petitioner and its payment to the complainant, Opposite Party No. 2, by every fifth of the next month along with the arrears if any.

That being so, if the petitioner namely, **Bamjit Kumar** surrenders within a period of four weeks, he on fulfilment of aforesaid condition would be released on bail for a period of three months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **S.D.J.M., Patna** in connection with **Complaint Case No. 663(c) of 2013,**

subject to also the following other conditions namely:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

It is however made clear that nothing said in this order, however, will come in the way of the complainant, Opposite Party No. 2, in claiming revision of the maintenance amount keeping in view that she has to support not only herself but also her child born out of the marriage with the petitioner.

**(Mihir Kumar Jha, J)**

Ranjan/-

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