

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32905 of 2014

Arising Out of PS.Case No. -2828 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Sanjeev Kumar Paswan @ Sanjiv Paswan Son of Late Sukan Paswan
Resident of Rampur, Post Office Amba, Police Station Teghra, District -
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Juli Devi Wife of Sanjib Kumar Paswan @ Sanjib Paswan, Daughter of
late Nunu Lal Paswan resident of Fardi, Post Office Nonepur, Police Station
Teghra, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate.

For the Opposite Party/s : Mr. C.Jawahar (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 04-02-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 2828 C of 2012, registered for the offences punishable
under Section 498A and other Sections of the Indian Penal Code.
The wife made allegation of demand of dowry and torture against
the petitioner.

Learned counsel for the petitioner submits that the
complainant has earlier filed Maintenance Case No. 36 of 2012
before the Principal Judge, Family Court, Begusarai. The case was
compromised and final order was passed on 14.12.2012, by which
the petitioner was directed to pay a sum of Rs. 3500/- per month

for maintenance to the complainant and her children by the second week of every month. It is submitted that this complaint case is filed on 17.12.2012.

On the other hand, learned counsel for the complainant has submitted that the petitioner never paid any maintenance to his wife and children even though the order was passed to pay Rs. 3500/- per month, but not a single farthing has been given as yet. It has further been submitted that the petitioner has solemnized second marriage with Gita Devi and that is why the petitioner is neglecting his wife and children.

On perusal of the records, it appears that before filing of this complaint petition, the complainant filed Maintenance Case and the petitioner was directed to pay Rs. 3500/- per month by the second week of every month and on such terms the case was compromised. Only after three days of compromise, the complainant filed this case making allegation of demand of dowry and torture. It appears that the complaint petition is filed only to get maintenance, which has already been ordered to be paid to the complainant.

Considering the facts aforesaid, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy

of this order, is directed to 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 the Learned Sub-Divisional Judicial Magistrate, Begusarai in connection with Complaint Case No. 2828 C of 2012.

The complainant, if so advised, may file petition under Section 128 of the Cr.P.C. for enforcement of order of the maintenance amount.

(Prabhat Kumar Jha, J.)

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