

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9896 of 2016

Arising Out of PS.Case No. -4117 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Binod Kumar Sah, son of Nityanand Sah, Resident of Village- Pirankar
Police Station –Dhamdaha, District Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. Soni Devi, wife of Binod Kumar Sah, Daughter of Vishnudeo Sah
Resident of Village- Ghushar, Police Station Tikapatti, District Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Parties : Mr. Md. Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

4 31-08-2016 Heard learned counsel for the petitioner as well as

learned counsel for O.P. no. 2 along with learned Additional

Public Prosecutor.

On account of marital discord, wife has brought

up the instant prosecution by way of complaint petition wherein

cognizance has been taken under Section 498A I.P.C. along with

other allied Section. At an earlier stage, petitioner was granted

provisional bail in the background of the fact that the offer was

advanced at his end to keep his wife with full honour and dignity

but, as it appears, the same has not yet been materialized.

Learned counsel for the petitioner is ready to pay the maintenance.

In the aforesaid background, directing the petitioner to pay monthly maintenance allowance of Rs. 3,000/- per month which should be subject to variance, in case, there happens to be proceeding under Section 125 of the Code of Criminal Procedure or under Sections 24 as well as under Section 25 of the Hindu Marriage Act, petitioner Binod Kr. Sah, who is under custody since 18.01.2016, is directed to be released on 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, Purnea in connection with complaint case no. 4117 of 2012. It is hereby made clear that in case of default of payment of maintenance amount, it will be opened to the complainant to file a petition for cancellation of the bail bond whereupon, the learned Lower Court will pass appropriate order, more particularly, in the background of the fact that on the aforesaid condition, bail has been granted to the petitioner.

(Aditya Kumar Trivedi, J.)

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