

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6974 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -JAMALPUR District- MUNGER

Dr. Dilip kumar @ dr. Dilip Kumar Sharma @ Dilip Sharma S/o late Shiv Pujan Prasad R/o Keshopur Grudwara Road, P.S. Jamalpur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Swati Omi, Wife of Dr. Dilip Kumar Sharma, Resident of Keshopur Gurudwara Road, P.S. Jamalpur, District – Munger.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Kumar Gupta

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 30-06-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 147, 149, 506, 504, 448, 323, 379, 498A of the Indian Penal Code.

The prosecution case is that the petitioner and other accused persons assaulted the informant and her sons and

daughter as they pressuring to withdraw the lodged with similar accusation in the State of Gujrat.

The petitioner and the informant are present in the Court.

Counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of three children but due to differences reconciliation is not feasible. However, counsel for the informant submits that the informant is ready to resume the conjugal life.

It is further submitted by learned counsel for the petitioner that in Maintenance Case No. 153 of 2014 the petitioner was directed by learned Principal Judge, Family Court, Munger to make payment of interim maintenance of Rs.15,000/- per month from the date of filing of the application i.e. 08.10.2014 along with Rs.10,000/- towards filing of maintenance petition and Rs.1,000/- on each date fixed in the maintenance proceeding towards litigation cost. It is further that the order of interim maintenance has been challenged in Cr. Misc. No. 6740 of 2016, though, the petitioner claims to have made payment of major amount and undertakes to make payment of up-to-date maintenance amount with arrears.

Considering the fact that the reconciliation is not





feasible at present and the petitioner is making payment of interim maintenance amount, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2, Munger in connection with Jamalpur P.S. Case No. 76 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned court below on filing proof to the effect that the entire arrears of interim maintenance including up-to-date current payment, litigation cost as well as rupees ten thousand towards filing of maintenance petition has already been paid to the informant.

The petitioner will continue making payment of interim maintenance until the order is modified by any superior court or by the concerned court.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.



(Dinesh Kumar Singh, J.)