

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29034 of 2015

Arising Out of PS.Case No. -132 Year- 2014 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIF)

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Mithilesh Kumar, son of Sudhir Prasad, resident of village- Gaurighat, P.S.
Muffasil Nawada, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi, W/O Mithilesh Kumar, D/O Shri Chandradeep Singh, resident
of Village-Beldar Bigha, P.S.-Khudaganj, District-Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rabindra Prasad Singh, Advocate
For the State : Mr. Parmanand Prasad (APP)
For O.P. No.2 : Mr. Avanish Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 11-01-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of O.P. No.2 as well as

the learned counsel for the State.

The petitioner and the O.P. No.2 are present in
person.

It appears that the petitioner is willing and ready to
keep O.P. No.2 with all honour and dignity. However, the
petitioner submits that he is living at Buxar whereas his family,
which presently comprises of his old mother, two younger
brothers, O.P. No.2 and the baby born out of the said marriage,
are supposed to be living in the village home. Petitioner
submits that since he is willing and eager to maintain her and

the baby child, he may be extended the privilege of pre-arrest bail.

O.P. No.2 is present in Court. She also submits that she will go and live with other family members in the village home along with her baby child. However, she apprehends that other family members may not give her and her baby fooding and, therefore, seeks an indulgence of this Court to grant her some sustenance amount to be paid by her husband-the petitioner herein. She submits that she had faced much difficulty and she did not have fooding and clothing and other basic needs being withdrawn from her. As such, an interim sustenance amount may be fixed so as to enable her to survive in her matrimonial home.

Considering all the facts and circumstance, this Court feels that O.P. No.2 may be given as an interim measure, a sustenance amount of ₹6000/- (six thousand), so that she can take care of her basis needs in her matrimonial home and also take care of other eventualities, which include education of her baby girl and their medical assistance and other miscellaneous needs.

Let the petitioner deposit the aforementioned sustenance amount of ₹6000/- (six thousand) in an account to

be open in the name of O.P. No.2 or in the court below by 20th of each month; beginning 20th of January, 2016.

In case the petitioner deposits the first instalment of ₹6000/- (six thousand) by 20th of this month, thereafter, let the petitioner, above named, in the event of his arrest or surrender, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Nalanda at Biharsharif, in connection with Khudaganj P.S. Case No.132 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the amount aforementioned is not deposited for a continuous period of two months in the court below, it will be open to O.P. No.2 to seek appropriate modification/cancellation of this order.

(Anjana Mishra, J)

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