

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20573 of 2016

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1. Ashok Yadav @ Ram Narayan Yadav S/o Late Mathura Yadav @ Mathura Prasad R/v- Alawalpur, P.S. Daniyawan, Distt- Patna. at present Sanjay Hotel, Daniyawa Bazar (Station), P.S.- Daniyawa, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gauri Devi @ Guriya, W/o Sri Ashok Yadav @ Ram Narayan Yadav R/v- Alawalpur, P.S. Daniyawan, Distt- Patna. at present tenant in the house of Maurya Mahto, Gulbighat, P.s.- Sultanghat, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 19-05-2016 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 (complainant) as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 498A of the Indian Penal Code.

Petitioner happens to be husband of the complainant but it is admitted case of the complainant that she solemnized her marriage with petitioner in the lifetime of first wife of the petitioner. No doubt, complainant gave birth to two children out of the aforesaid wedlock but admittedly, the present case was filed after eleven years of marriage.



Learned counsel appearing for the complainant submits that earlier petitioner had come before this court for grant of anticipatory bail and a co-ordinate bench of this court vide order dated 18.06.2015 passed in Cr. Misc. No. 18878 of 2015 granted privilege of anticipatory bail to petitioner with certain conditions including to payment of rupees six thousand per month to the complainant but the petitioner failed to comply with the aforesaid direction of this court. It is also submitted that complainant is a poor lady and she is not in a position to maintain herself as well as her two minor children and, therefore, petitioner should be directed by this court to make payment to the complainant as well as her two minor children.

The petitioner has come before this court seeking regular bail under Section 440 of the Cr.P.C. and this court is not hearing a petition filed under Section 125 of the Cr.P.C. The law has a specific provision under Section 125 of the Cr.P.C for seeking maintenance by wife as well as minor children from the husband as well as parents respectively and, therefore, if complainant wants to seek maintenance from the petitioner, she may knock the door of the court under appropriate provision.

In the present case, petitioner is in jail custody since long and there is little possibility of reconciliation between the

parties.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Patna City in connection with Complaint Case No. 1142 (C) of 2013.

(Hemant Kumar Srivastava, J)

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