

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8913 of 2017

Arising Out of PS.Case No. -1 Year- 2015 Thana -MAHILA PS District- KHAGARIA

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Ranjeet Sah, Son of Dilip Sah, Resident of Village- Belal, P.S. Gangour,
District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-04-2017 Both husband and wife along with their ten years old son are present in Chambers. Learned counsels of both sides are also present.

Petitioner (husband) has admitted that he has performed second marriage in the year 2004 when his wife did not become ready to live with him. He has submitted that he will maintain his wife and ten years old son.

The informant (wife) has stated that it is difficult for her to live with petitioner as he has performed another marriage. She has also stated that he is not giving her maintenance amount as ordered by the court below vide order dated 24.2.2016 passed in Maintenance Case No. 13 of 2015. She has stated that she is living in her Maikey and is maintaining herself as well as her ten



years old son who is studying.

In such circumstances, this Court feels that petitioner at present will give maintenance amount of Rs.2,000/- per month as maintenance to the wife and his son and also talk with the wife for one time settlement, if she does not want to live with him.

Accordingly, the petitioner is directed to surrender before the court below i.e. Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Mahila) P.S. Case No.01 of 2015, within a period of four weeks with an undertaking that he will give Rs.2,000/- per month, at present, for maintenance of his wife and son subject to final decision in Maintenance Case No. 13 of 2015 and in that event, the petitioner will be enlarged on provisional anticipatory bail by the Court below to its own satisfaction for a period of nine months. In the meantime, petitioner will talk with his wife for one time settlement and both parties will inform the court below about the terms arrived at between them and will appear in the court below every month to inform the court about the progress made for one time settlement or with regard to restoration of conjugal relationship and in the event both of them start living together, or court below finds that both parties have agreed for one time settlement, the provisional anticipatory bail granted to the petitioner will be confirmed after nine months.



It is made clear that in the event the petitioner does not surrender in the Court below along with undertaking, as ordered above, or he makes default in making payment of Rs.2,000/- per month for maintenance of his wife and son, as agreed by him in Court today during reconciliation, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner without taking into consideration the observations made above by this Court.

Application stands disposed off with aforesaid observations.

S.Ali/-

(Sanjay Priya, J)

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