

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6563 of 2017

Arising Out of PS.Case No. -720 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Subhash Sah @ Subash Sah, son of late Bharat Sah, resident of village-
Konhawa Khap Tola, P.S.- Gopalganj, District- Gopalganj, presently
Ashok Hotel Ranidih Chawk Petrol Pump Gorakhpur, P.S.- Gaurabag,
District- Gorakhpur (U.P).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramawati Devi, wife of Subash Sah, resident of village- Konhawa Khap
Tola, P.S.+ District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate
For the Opposite Party/s : Smt. Nirmala Kumari, APP
Mr. Milind Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 05-05-2017

Heard learned counsel for the Petitioner and the
State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.720 of 2013 instituted for the offence under Section(s)
323, 380, 494, 498-A, 504/34 Indian Penal Code.

Petitioner is husband of the complainant. There is
allegation that he did not take proper care of the wife and ousted
her from the house. It is also alleged hat he has performed second
marriage although cognizance has been taken under Section 498-
A and 406 Indian Penal Code.

As per allegation, marriage has taken place thirty
years ago and the wife has stated that she is living with her two



sons. She has further stated that petitioner has performed marriage of his two daughters. Marriage of two sons has not yet taken place.

Petitioner-husband has stated that he is ready to make payment of rupees two thousand per month for maintenance of his wife, if she does not want to live with him. He has also submitted that he will not sell the landed property without taking permission from the Court during the pendency of the case. Petitioner is ready to deposit rupees two thousand per month in the bank account of the Opposite Party No.2-wife by 15th of every month.

In such circumstances, this application is disposed of with direction to the petitioner to surrender before the Additional Chief Judicial Magistrate, XIII, Gopalganj, in connection with Complaint Case No.720 of 2013, within six weeks from today along with Affidavit that he will make payment of rupees two thousand per month to the Opposite Party No.2-wife by 15th of every month and will not sell the landed property without permission of the Court till the pendency of the case and produces valid receipt in proof of deposit of rupees two thousand in the bank account of Opposite Party No.2-wife for the month of May, 2017, the Court below will release him on anticipatory bail



on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the court below subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that the petitioner will continue to make payment of the aforesaid amount to the Opposite Party No.2-wife every month till the wife lives separately from him and conjugal relationship is not restored between them. If the petitioner fails to deposit the amount i.e. rupees two thousand for two consecutive months, his bail bond will be liable to cancelled.

The Opposite Party No.2 will take necessary steps for opening the account in a bank enabling the petitioner to deposit the amount every month as undertaken by him.

During the pendency of the case, the Court below



will also try to restore conjugal relationship between the parties.

(Sanjay Priya, J)

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