

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4424 of 2017

Arising Out of PS.Case No. -416 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

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Manish Kumar Singh, son of Namo Narayan Singh, resident of village-
Nayaka Gaon, P.S.-Bariya, District- Balia.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Mamta Kumari, d/o Chitranjan Singh, resident of village-Kothiya, P.S.-
Jalalpur, District- Saran at Chapra, at present Rana Pratap Nagar, Near
Court Devi, P.S.-Bhagwan Bazar, District- Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP
Mr. Arun Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 09-08-2017

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.416 of 2015 instituted for the offence under Section(s)
498-A Indian Penal Code and Section 34 of the Dowry
Prohibition Act.

Petitioner is husband of the complainant-Opposite
Party No.2.

It has been submitted on behalf of the petitioner that
he had filed Divorce case, which had been decreed ex parte.

Counsel for the Opposite Party No.2 has appeared
and submitted that she has challenged aforesaid ex-parte order of



divorce. Learned counsel for the Opposite Party No.2 has further submitted that the petitioner was directed to pay maintenance @ `10,000/- per month in Maintenance Case No.68 of 2015, by order dated 30.06.2016, but not a single penny has been paid by the petitioner in compliance of the aforesaid order.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Saran at Chapra, within a period of six weeks from today in connection with Complaint Case No.416 of 2015, along with receipt showing payment of entire arrear of maintenance amount to the Opposite Party No.2 till date as well as undertaking that he will make payment of the maintenance amount regularly in future as ordered in Maintenance Case No.68 of 2015, and in that event the court below will release the petitioner 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 concerned 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 in the event the petitioner does not surrender in the Court below along with receipt showing payment of entire arrear amount of maintenance and undertaking, as ordered above, or he makes default in payment of monthly amount of maintenance, the Court below will be at liberty to cancel the bail of the petitioner.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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