

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25426 of 2017

Arising Out of PS.Case No. -186 Year- 2015 Thana -GANDHIMAIDAN District- PATNA

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Gopal Krishna, Son of Shri Devendra Kumar, Resident of Mohalla-
Musallahpur Hatt, Mahavir Lane Shaistapur Lodge, P.S.- Pirbahore,
District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Alka Devi @ Alka Sharma, W/O- Gopal Krishna, Resident of East
Lohanipur Paris Lane, P.S.- Kadamkuan, District- Patna. At present Vishnu
Enclave A- 302, Salimpur Ahra (Gali No.1), P.S.- Gandhi Maidan, District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-08-2017 Heard learned counsels for the petitioners, informant
and the State.

The petitioner, being the husband of the informant, is
apprehending arrest in a case registered for the offences
punishable under Sections 379, 323, 324, 420, 406, 498A, 494 and
120B of the Indian Penal Code.

The prosecution case is that the informant was married
with the petitioner on 27.06.2007. Subsequently, the informant
was blessed with a female child on 10.10.2008, but the torture was
inflicted for non-fulfillment of the dowry demand and she was
virtually forced to leave the matrimonial house.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a female child. The petitioner filed Matrimonial Suit No. 812 of 2012 on 09.10.2012, with a prayer for divorce on the ground of cruelty and desertion, and thereafter, the present FIR was registered on 14.05.2015. However, the present complaint case was filed on 29.10.2012, which got registered as a police case on 14.05.2015, after being transferred under Section 156(3) of the Cr. P.C. In the circumstances, the petitioner is not ready to keep the informant.

Learned counsel for the informant submits that on frivolous ground, matrimonial suit was filed. The informant is still ready to resume the conjugal life. The Principal Judge, Family Court, Patna, vide order dated 25.07.2016, passed in Matrimonial Case No. 812 of 2012, directed the petitioner to make payment of Rs. 3,000/- per month to the informant and Rs. 1,000/- per month to the minor child from the date of application i.e., 04.08.2015 and Rs. 12,000/- a lump sum amount towards litigation cost, but the same has not been paid by the petitioner, however, the informant is not satisfied with the quantum of monthly maintenance amount.

Learned counsel for the petitioner submits that the petitioner is ready to make payment of aforementioned amount



regularly including the arrears forthwith.

Considering the rival submissions of the parties, keeping in view the fact that matrimonial suit was filed at earlier point of time, there is no chance of issue being reconciled, at present, and the present stand of the petitioner that he is ready to comply the order dated 25.07.2016, passed in Matrimonial Suit No. 812 of 2012, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount, each to the satisfaction of learned CJM, Patna in connection with Gandhi Maidan P.S. Case No. 186 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned Court below on filing proof of update payment of maintenance amount including litigation cost as directed by the learned Principal Judge, Family Court, Patna, vide order dated 25.07.2016 passed in Matrimonial Suit No. 812 of 2012. The petitioner will also file an affidavit before the learned Court below that he will regularly make the payment.

It is made clear that this Court has not given any



finding with regard to quantum of maintenance amount and if the complainant is aggrieved with the same, she is at liberty to agitate the issue in appropriate proceeding.

(Dinesh Kumar Singh, J)

Amrendra/-

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