

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29727 of 2017

Arising Out of PS.Case No. -281 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Awdhesh Kumar Sah @ Awadhesh Sah, S/o Shiv Kumar Sah, Resident of
Village- Giridhar Baraon, P.S.- Navanagar, Dist- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. Kiran Devi, D/o Ramadhar Sah,
resident of Mukundpur, P.S.- Charpokhari, Dist- Bhojpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mrs. Mira Kumari, Advocate
For the State : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 07-07-2017 I have heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in a case
registered for offences punishable under Sections 341, 323, 498
(A) and 504/34 of the Indian Penal Code.

Petitioner is husband. It is contended that there is no
demand of money, the only allegation being demand of gold
chain and gold ring. It is also contended on behalf of the petitioner
that informant is suffering from leucoderma and her marriage was
solemnized with the petitioner by playing fraud and at the time of
showing the girl. In place of the informant, some other girl was
shown. It is contended that even then the petitioner tried to keep



the informant with due honour and dignity but she does not want to stay in her matrimonial house. Therefore, the petitioner was compelled to file divorce case bearing Matrimonial Case No.70/17 before the court of Principal Judge, Buxar.

Learned counsel for the petitioner submits that petitioner undertakes to pay Rs.2,000/- per month to the informant wife till the maintenance matter is decided by a court of competent jurisdiction.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Piro Mahila P.S. Case No. 281/2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of S.D.J.M., Bhojpur, Ara subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with a further condition that petitioner will deposit Rs.2,000/- per month as per his undertaking in the first week of every month commencing from August, 2017 before the court below. The informant would be at liberty to withdraw the money. For the month of July, 2017 the petitioner would be required to deposit Rs.2,000/- at the time of furnishing bail bond in the



present case. This arrangement will continue till any decision is taken by the court of competent jurisdiction regarding maintenance to be granted to the wife if such matter is pursued by her. It is further made clear that at the time of deciding such matter, the court concerned would proceed to decide the issue without being prejudiced by the present direction for grant of Rs.2,000/- per month rather it will pass order on the basis of the materials which would be available on record.

It is made clear that if the petitioner fails to deposit the aforesaid amount till any decision is taken by the competent court regarding maintenance of the informant, the court below shall take steps for cancellation of the bail bond of the petitioner.

(Dr. Ravi Ranjan, J)

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