

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37236 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -RAJIVNAGAR District- PATNA

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1. Ranjeet Kumar Ravi @ Ranjit Kumar, son of Sri Ramashraya Chaudhary, R/o Mohalla- Jaiprakash Nagar, Gaya Line Road, P.S.- Jakkampur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibha Kuamri, w/o Ranjeet Kumar Ravi @ Ranjit Kumar, daughter of Prahalat Singh, at present residing at C/o Ashok Sharma, Vitt Vibhag Colony, Phase-2, Khajpura, P.S.-Rajeev Nagar, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Advocate

For the Opposite Party No.1: Mr. Kalyan Shankar, APP

For the Opposite Party No.2: Mr. Pranav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 17-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in Rajiv Nagar P.S.

Case No.104 of 2017 instituted for the offence under Section(s)

498-A Indian Penal Code.

Both husband and wife had appeared in Chambers on 15.11.2017. On that date, wife had expressed her willingness to go and live with husband along with minor child, but the husband had stated that, now, it is not possible for him to live with the wife.

Counsel for the Opposite Party No.2 has submitted that marriage has taken place on 27.06.2012 and child was born



on 26.06.2013. Husband (petitioner) filed a Divorce case in the year 2014 vide Matrimonial Case No.5793 of 2014, which was dismissed on 28.09.2016. Thereafter, Misc. Appeal has been filed in the High Court, which is still pending. Counsel for the Opposite Party No.2 has further submitted that father of the petitioner-husband has filed Complaint Case No.3546-C of 2016 in which the wife and her all family members have been made accused. Opposite Party No.2 always wanted for amicable settlement and peaceful living with the petitioner, but just after marriage petitioner has started litigation and filed case(s) against her as mentioned above. Thereafter, lastly, she has filed case under Section 498-A Indian Penal Code in 2017 for committing torture with her.

On the last date, in Chambers, petitioner-husband was present with his father and Opposite Party No.2-wife was present with her mother. Father of the petitioner-husband had submitted it would be better that one time settlement be arrived at between the parties and he assured to this Court that he would make payment of rupees ten lac for one time settlement. Case was adjourned on that date for taking necessary instructions from the Opposite Party No.2.

Today, counsel for the Opposite Party No.2 has



submitted that the Informant has to maintain herself and one infant child also and minimum rupees thirty lac will be acceptable to her as one time settlement amount, which is not possible for the petitioner to pay as submitted by the counsel for the petitioner. It has been submitted that maintenance case has been filed, which is pending in the Court below.

In such circumstances, this Court feels that since husband-petitioner is not ready to keep the wife although she expressed her willingness to live with him and there is no possibility of both of them living together and also there is no chance of one time settlement, as stated above, at least, for the present, the petitioner will pay an amount of Rs.7,500/- (seven thousand) per month to the Opposite Party No.2-wife for maintenance till final order is passed in the maintenance case by the appropriate Court.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Sub-Judge 3rd-cum-ACJM, Patna**, within a period of four weeks from today in connection with **Rajiv Nagar P.S. Case No.104 of 2017**, along with Affidavit that he will pay rupees Rs.7,500/- (seven thousand five hundred) per month as maintenance to Opposite Party No.-2-wife by 15th of every month



till final order is passed in maintenance case and also along with valid receipt of payment of maintenance amount for the month of November, 2017, and in that event, the Court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period till final order is passed in maintenance case 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.

Petitioner will deposit the amount of maintenance (Rs.7,500/-) by 15th of every month directly in the Savings Account of the Opposite Party No.2-wife and will produce the receipt in the Court below.

Opposite Party No.2 will furnish her Savings Bank A/c No. to the petitioner for crediting the amount directly in her Savings Account.

The petitioner will continue to make payment of Rs.7,500/- (seven thousand five hundred) per month till final order is passed in maintenance case. After passing of final order in the maintenance case, the Court below will confirm the provisional bail of the petitioner. The Court below will pass final



order in maintenance case pending between the parties within one year from the date of receipt of this order.

It is made clear that in the event the petitioner does not surrender in the Court below along with Affidavit and receipt, as ordered above, or during the period of provisional bail the petitioner makes default in making payment of single installment, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

This application is, accordingly, disposed off.

Let a copy of this order be sent to the District & Sessions Judge, Patna, to communicate it to the Court concerned for passing final order in the maintenance case as ordered above.

(Sanjay Priya, J)

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