

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47481 of 2016

Arising Out of PS.Case No. -1800 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

=====

Mukesh Kumar son of Sri Bhudeo Sahani Resident of Mohalla-Reliance Office Road, Near Leeds Asian Public School, Bailey Road, Vishwasaraiya Nagar, Danapur, P.S.-Rupaspur District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Rani Wife of Mukesh Kumar, and daughter of Late Binay Kumar Sinha, resident of Mohalla – New Colony, Dak Bunglow Road, Bettiah, P.S. Bettiah Town, District – West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Khurshid Anwar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 06-04-2017 Heard learned counsel for the petitioner,
complainant-opposite party no. 2 and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 24.04.2012 and birth of a male child but due to



the apathetic attitude of the complainant the petitioner filed Matrimonial Suit No. 736 of 2015 on 29.06.2015 with a prayer for divorce and thereafter the present complaint was filed on 10.08.2015. The petitioner is making payment of maintenance amount altogether Rs.9,000/-, Rs. 6,000/- for the maintenance of the complainant Rs.3,000/- for the minor child in pursuance to the order dated 25.07.2016 passed by learned Principal Judge, Family Court, West Champaran, Bettiah in Maintenance Case No. 189M of 2015. The petitioner is ready for keeping the complainant in the joint family house but the complainant is not ready to accept the offer of the petitioner of residing in joint family house. Similar was the stand of the petitioner before the Mediator.

Learned counsel for the complainant submits that the complainant is not ready to resume conjugal life since she has serious apprehension with regard to the petitioner's illicit relationship with his elder brother's wife. Though the complainant is ready to resume conjugal life if the petitioner keeps her with him separately and withdraws the matrimonial suit. However, till date the petitioner has not paid the arrears of maintenance amount.

Learned counsel for the petitioner submits that



the petitioner is making payment of maintenance amount regularly but the arrears of maintenance amount has not been paid in pursuance to the order dated 25.07.2016 passed by learned Principal Judge, Family Court, West Champaran at Bettiah in Maintenance Case No. 189M of 2015 the petitioner has to make payment of maintenance amount of Rs.9,000/- from the date of filing of application i.e. 10.08.2015. The petitioner undertakes to make such payment of arrears of maintenance amount.

Considering the rival submissions of the parties, it appears that the issue is not likely to be resolved in terms of complainant being resuming the conjugal life. In view of the fact that the petitioner being Scale III employee in the State Bank of India and it is submitted that Rs.9,000/- is being deducted from his salary which, at least, at present, is saving the complainant and the minor child from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail in the event of his 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



Sub-divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 1800-C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing proof with regard to the payment of maintenance amount including arrears as directed vide order dated 25.07.2016 by learned Principal Judge, Family Court, West Champaran, Bettiah in Maintenance Case No.189M of 2015. The parties agree to appear regularly in all the proceedings pending between the parties.

(Dinesh Kumar Singh, J.)

DKS/

U		T	
---	--	---	--

