

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56004 of 2015

Arising Out of PS.Case No. -3448 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Arbind Kumar Son of Bachoo Bhagat Resident of Quarter No. CD/ 488
Sector-03 Dhurva, Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Archana kumari Daughter of Ram Amir Pandit Resident of Mohalla Naya tola, P.s Kazi Mohammadpur, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Raj Kishor Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

14/ 20-06-2017

Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, Mr. Mahesh Narayan Parbat, learned counsel for the complainant-opposite party no. 2 and Mr. Anil Kumar Singh, learned counsel for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has 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.

The petitioner and the complainant are present in the Court.



It is submitted by learned senior counsel for the petitioner that the petitioner admits his marriage with the complainant on 20.04.2006, having no issue. The relationship between the petitioner and the complainant became strained and the petitioner filed Matrimonial Suit No. 282 of 2012 before the Principal Judge, Family Court, Ranchi with a prayer for divorce which culminated in compromise, when the complainant decided to reside with the petitioner but again the petitioner filed Matrimonial Suit No. 34 of 2014 with a prayer for divorce before the Principal Judge, Family Court, Ranchi. Initially the stand of the petitioner was to keep the complainant as wife with full dignity and honour, but at present the stand of the petitioner is that he is not inclined to keep the complainant since the issue could not be reconciled between the parties.

The learned Principal Judge, Family Court, Ranchi, vide order dated 25.06.2015, allowed the prayer for interim maintenance and directed the petitioner to make payment of Rs.5,000/- per month to the complainant from the date of order, i.e., 25.06.2015. The said order has not been challenged by the petitioner, but has also not complied the same. In Maintenance Case No. 01 of 2014 the learned Principal Judge, Family Court, Muzaffarpur, vide order dated 29.06.2015, directed the petitioner to make payment of



Rs. 6,000/- per month from the date of filing of maintenance application, i.e., 08.04.2015. In pursuance to order dated 29.06.2015 passed in Maintenance Case No. 01 of 2014, petitioner has made payment of Rs.78,000/- in two installments to the complainant and he is ready to make further payment of Rs.18,000/- and odd within a period of two weeks by depositing the same in the bank account of the complainant. The petitioner is also ready to make payment of monthly maintenance amount regularly by depositing the same in the bank account of the complainant. Today the petitioner has made payment of Rs.50,000/- to the complainant. It is expected from the counsel for the complainant to make endorsement to that effect in the petition.

Counsel for the complainant submits that the complainant is still ready to resume the conjugal life. As per the complainant the total amount due is Rs.98,000/- till date as per order dated 29.06.2015 and at present out of Rs.98,000/- the complainant has already received Rs.78,000/- and the complainant undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks. It is further submitted that the petitioner has neither challenged nor complied with the order dated 25.06.2015



passed in Matrimonial Suit No. 34 of 2014 by learned Principal Judge, Family Court, Ranchi.

Considering the rival submissions of the parties, in view of the fact that the matter is being adjourned by this Court since last one and half years and issue could not be resolved. However, in view of the fact that the petitioner has substantially made payment of maintenance amount as awarded by the learned Principal Judge, Family Court, Muzaffapur in Maintenance Case No. 01 of 2014 and is ready to make payment of the same regularly, this Court is of the view that at present the petitioner be directed to be released on anticipatory bail in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future. However, it is made clear that this Court has not expressed any opinion with regard to the order dated 25.06.2015 passed in Matrimonial Suit No. 34 of 2014 since the same has been challenged by the petitioner at his own risk.

In the circumstances, 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 (East), Muzaffarpur in connection with Complaint Case No. 3448 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted on furnishing proof with regard to the payment of due maintenance amount to the complainant.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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