

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10412 of 2016

Arising Out of PS.Case No. -3754 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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1. Chhavilal Pandit, son of Biro Pandit, resident of Village- Tarapur, P.S. Tarapur, District- Mungher (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Sandhiya Prajapati, w/o Chhavi Lal Pandit, R/O Village- Tarapur, P.S. Tarapur, District- Munger, at present address- Binod Pandit, R/O village Bhagat Tola, Ward no. 28, P.S. Araria, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP
Mr. Baleshwar Kamat, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 25-07-2017

Heard learned counsel for the Petitioner and the

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

The Petitioner apprehends his arrest in Complaint Case No.3754-C of 2013 instituted for the offence under Section(s) 498-A, 494 Indian Penal Code.

Petitioner is husband of the complainant-Opposite Party No.2.

Petitioner-husband as well as wife along with minor daughter is present in Chambers.

The petitioner is ready for one time settlement but he wants three years' time to make payment. He offered to make payment of rupees four lac to wife as one time settlement amount



to which wife has agreed. The wife has, however, stated that she has to maintain her minor daughter and she cannot wait for such a long time. Wife has further stated that the Family Court has ordered for payment of maintenance to her at the rate of ₹2500/- per month, but the petitioner is not making payment of the aforesaid amount regularly.

In such circumstances, this application is disposed off with direction to petitioner to make payment of all arrear of amount of maintenance as per order of the Family Court within a period of six weeks from today either by cash or by crediting into the account of the Opposite Party No.2 and thereafter surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Araria, in connection with Complaint Case No.3754-C of 2013 along with receipt showing payment of arrear of the maintenance amount and in the event the petitioner produces valid receipt showing payment of arrear of maintenance amount, the court below will release the petitioner on provisional bail to its own satisfaction for a period of one and half year.

During the period of provisional bail, the petitioner will make payment of the amount of maintenance as ordered by the Principal Judge, Family Court, every month to the Opposite Party No.2 and in the event the petitioner makes payment of



rupees four lac to the Opposite Party No.2 as one time settlement during the aforesaid period, the Court below will confirm the provisional bail of the petitioner.

It is made clear that in the event the petitioner does not surrender in the Court below along with valid receipts showing payment of arrear of maintenance amount or makes default in payment of monthly maintenance amount during the period of provisional bail, 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.

In the event the petitioner makes payment of amount of one time settlement amounting to rupees four lac, then both the parties will file a petition before the Principal Judge, Family Court, Araria, for modification of the order of maintenance. Both the parties will also file a petition under Section 13-B of the Hindu Marriage Act for mutual divorce. The complainant will withdraw all the criminal case(s) filed against the petitioner. The petitioner will also withdraw all the cases filed by him against the complainant.

The petitioner at the time of final settlement will return all the belongings/articles of the complainant, which were



given at the time of marriage.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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