

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26251 of 2017

Arising Out of PS.Case No. -79 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Binod Kumar Son of Late Baso Mato, Resident of Village- Shobh Nagar,
Police Station- Giriak, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gita Kumari, Wife of Binod Kumar,D/o Ramji Prasad, R/o Shobh Nagar, P.S.- Giriak, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 08-09-2017

Heard learned counsels for the petitioner,
informant-opposite party no. 2 and Mr. J.N. Thakur for the
State.

The petitioner, being the husband of the
informant, is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 494 and 379/34 of
the Indian Penal Code.

The prosecution case, as per the written report
submitted by the informant-opposite party no. 2, Geeta Kumari
before the Officer-in-charge of Mahila Police Station,
Biharsharif, is to the effect that the informant was married with
the petitioner about 22 years prior to the lodging of the FIR.



Subsequently, they were blessed with two daughters, one is 19 years of age and the other is 10 years of age. After the birth of daughters the petitioner used to have illicit relationship with different women and on protest being made attempt was made to kill the informant by causing burn injuries. Ultimately the informant was driven out from the matrimonial house. Now the informant has been engaged as Block teacher in 2015 and the petitioner has performed second marriage. Though, the issue was reconciled between the parties on 10.05.2016, but thereafter again the informant was driven out from the matrimonial house on 25.05.2016.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two daughters. He also admits that he has performed second marriage but he is not ready to keep the informant or children or make any payment for their welfare.

It is submitted by learned counsel for the informant that the marriage between the petitioner and the informant and birth of two daughters are admitted facts. The informant has also filed maintenance case but the petitioner is deliberately not appearing in the said proceeding. Now the daughters of the informant are of marriageable age and she is



unable to maintain them.

Considering the rival submissions of the parties, since the marriage and birth of two daughters are not in dispute and keeping in view the fact that the petitioner is neither ready to keep the informant or children nor ready to provide them any payment, let the learned Court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned Court below within a period of six weeks from today in connection with Nalanda Mahila P.S. Case No. 79 of 2016, pending in the court of learned SDJM, Nalanda at Biharsharif.

The learned Court below will also see while considering the bail application of the petitioner that the petitioner must appear in the maintenance proceeding.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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