

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12318 of 2017

Arising Out of PS.Case No. -2616 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Kum Kum Kumari @ Soni, W/o Amrendra Prasad Singh @ Bipin Kumar and daughter of Anirudh Prasad Singh, Resident of Bhadurpur, New Kunj Colony, P.S.-Bajar Samiti Bhahadurpur, Dist.-Patna at present residing at C/o Radhe Prasad, Domodar Niwas Langer Toli, P.S.-Kadam Kuan, Dist-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2. Amrendra Prasad Singh @ Bipin Kumar S/o Ramchandra Prasad Singh New Kunj Colony, East Bahadurpur, P.S.-Bazar Samiti, Dist-Patna presently posted as Assistant Loco Pilot Chief Crew Controller, Bhusawal, Dist-Jalaon, Maharastra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 22-08-2017

Heard learned counsel for the petitioner, learned counsel
for the State as well as learned counsel for the O.P. No. 2.

2. This application is filed by the petitioner- Kumkum Kumari @ Soni against her husband Amrendra Prasad Singh @ Bipin Kumar (O.P. No. 2) for cancellation of his anticipatory bail granted by this Court vide order dated 04.05.2016 passed in Cr. Misc. No. 49935 of 2015 in connection with Complaint Case No. 2616(C) of 2012 pending before the Judicial Magistrate, 1st Class, Patna.

3. Learned counsel for the petitioner submits that vide order dated 04.05.2016, while granting the anticipatory bail to the husband (O.P. No. 2), the Court directed him to pay Rs. 8000/- per



months by way of maintenance inclusive of Rs. 2000/- which was earlier ordered by this Court, but this fact was suppressed by the O.P. No. 2, therefore, by order dated 09.09.2016, the learned Magistrate has recorded in the impugned order to pay Rs. 2000/- only in stead of Rs. 8000/-.

3. However, learned counsel for the O.P. No. 2 submits that petitioner is being paid Rs. 8000/- per month by him, as directed by this Court and also Rs. 3000/- against arrear.

4. Having considered the rival submissions of both sides and on perusal of record, the Court finds no controversy that by order dated 04.05.2016 provisional anticipatory bail granted to the O.P. No. 2 was confirmed by this Court. The impugned order dated 09.09.2016 shows that the petitioner, pursuant to the said order, filed a copy of the order confirming the provisional bail passed in Cr. Misc. No. 49935 of 2015, so no suppression of fact was done by the O.P. No. 2. However, the court below ordered to pay Rs. 2000/- per month to the petitioner as maintenance apparently error committed by the court while recording the order. In Domestic Violence Case No. 58 of 2010, O.P. No. 2 was directed to pay Rs. 4000/- per month as maintenance and Rs. 4000/- as house rent and the wife filed the complaint case for breach of the protest order passed in Domestic case. Accordingly, while granting the anticipatory bail to the O.P. No. 2 (husband), the



Court directed him to pay Rs. 8000/- per month to his wife. As the order confirming the provisional anticipatory bail to the O.P. No. 2 was produced before the court below, so ground of suppression of fact is unfounded not true but the fact remains that the court below has recorded wrongly that the O.P. No. 2 has to pay Rs. 2000/- per month as maintenance instead of Rs. 8000/-. Hence, the court below is directed to ensure that Rs. 8000/- per month as maintenance and house rent be paid to the petitioner along with arrear accordingly may pass order to pay due amount in reasonable installments.

5. With the aforesaid observation, this application stands dismissed.

6. The court below is further directed to expedite the trial of the complaint case.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2017
Transmission Date	28.08.2017

