

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54482 of 2016

Arising Out of PS.Case No. -188 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Arun Kumar @ Arun Kumar Pandit, Son of Rajeshwar Pandit, R/o
Rahampur, Police Station : Garkha, District : Chapra at Saran.

.... Petitioner.

Versus

1. The State of Bihar.
2. Manju Devi, W/o Arun Kumar, R/o Rahampur, Police Station : Garkha,
District : Chapra at Saran, at present R/o Shakti Nagar, P.S. Chapra
Muffasil, District - Saran.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Complainant/ O.P. No.2 : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

5 03-04-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the
complainant/ opposite party no.2.

The petitioner apprehends his arrest in connection with
Tr. No.1838 of 2016, arising out of Complaint Case No.188 of
2014, registered under Section 498(A) of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that, in fact, the petitioner, who is the husband of the
complainant/opposite party no.2, is ready to keep his wife (the
complainant/opposite party no.2) with full honour and dignity but



the complainant/opposite party no.2 herself does not want to live with the petitioner.

On the other hand, learned counsel for the complainant/opposite party no.2 submits that due to threat of life given by the petitioner, the complainant/opposite party no.2 does not want to live with the petitioner. Further submission is that, in fact, Maintenance Case No.148 of 2014 was filed by the complainant/opposite party no.2 against the petitioner but the petitioner, who was opposite party no.2 in that case, in spite of notice in that case, did not appear and in the aforesaid Maintenance Case No.148 of 2014, ex parte order was passed on 23.04.2016 by the Principal Judge, Family Court, Saran at Chapra, directing the petitioner to pay the complainant/ opposite party no.2, Rs.4000/- per month as maintenance.

Learned counsel for the petitioner submits that the petitioner is ready to pay the amount of maintenance, as ordered on 23.04.2016 in Maintenance Case No.148 of 2014 by the Principal Judge, Family Court, Saran at Chapra, and he will also pay the arrears of the amount of maintenance within six months from today with liberty to him to take legal steps against the said ex parte order of maintenance.

In view of the submission of the learned counsel for the



petitioner, let the petitioner, above named, in the event of his arrest or surrender by him within four weeks from today, be enlarged on provisional bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Saran at Chapra, in connection with Tr. No.1838 of 2016, arising out of Complaint Case No.188 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C.

The petitioner would pay the maintenance amount of Rs.4000/- per month to the complainant/opposite party no.2 in the light of the order dated 23.04.2016 passed in Maintenance Case No.148 of 2014 by the Principal Judge, Family Court, Saran at Chapra, and also pay the arrears of maintenance amount to the complainant/opposite party no.2 within six months from today. On production of certificate regarding the payment of current maintenance amount and arrears of maintenance amount to the complainant/opposite party no.2 within six months, the provisional bail of the petitioner shall be confirmed by the court below, failing which the learned court below would be at liberty to cancel the provisional bail granted to the petitioner.

It is made clear that the petitioner, if he is so advised, may take legal steps against the ex parte order dated 23.04.2016 passed



in Maintenance Case No.148 of 2014 by the Principal Judge,
Family Court, Saran at Chapra.

(Rajendra Kumar Mishra, J)

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