

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29610 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -
BARHARA District- BHOJPUR

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Binu Singh Son of late Banke Bihari, Singh, Resident of Village-
Chatar, Police Station-Barahara, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Singh Wife of Binu Singh Daughter of Ram Chander
Singh, Resident of Village-Majhowa, P.S.-Arrah town,
District-Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh, Adv.

For the Opposite Party/s: Mr. Shantanu Kumar, APP.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

02 07-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner who is the husband apprehends his
arrest in a case registered for the offence punishable under
Section 498A of the Indian Penal Code.

It is contended that the petitioner has already filed
divorce bearing Divorce Case No. 325/16 before the Principal
Judge, Family Court, Bhojpur at Ara. However, till date no
decision has been taken by the competent court for grant of
maintenance to the complainant.

Learned counsel for the petitioner submits that



petitioner undertakes to pay Rs. 2,000/- per month to the informant wife till the maintenance matter is decided by a court of competent jurisdiction.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Barhara P.S. Case No. 104/2017, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with a further condition that petitioner will deposit Rs.2,000/- per month as per his undertaking in the first week of every month commencing from August, 2017 before the court below. The informant would be at liberty to withdraw the money. For the month of July, 2017, the petitioner would be required to deposit Rs.2,000/- at the time of furnishing bail bond in the present case. This arrangement will continue till any decision is taken by the court of competent jurisdiction regarding maintenance to be granted to the wife if such matter is pursued by her. It is further made clear that at the time of deciding such matter, the



court concerned would proceed to decide the issue without being prejudiced by the present direction for grant of Rs.2,000/- per month rather it will pass order on the basis of the materials which would be available on record.

It is made clear that if the petitioner fails to deposit the aforesaid amount till any decision is taken by the competent court regarding maintenance of the informant, the court below shall take steps for cancellation of the bail bond of the petitioner.

(Dr. Ravi Ranjan, J.)

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