

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17401 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. BAIDNATH SHARMA Son of Late Dinesh Sharma
 2. Most. Tetari Devi
Both are resident of Village - Harauli, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Dai Devi Wife of Baidnath Sharma Resident of Village - Harauli, P.S.- Kusheshwar Asthan, District- Darbhanga. At present D/O- Kusho Sharma, Resident of Village - Basti, P.S.- Singhiya, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-06-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with C.R.No.01 of 2017 registered for offences punishable under Sections 341, 323, 504, 506,498A, 379 and 34 of the Indian Penal Code.

Allegation against the petitioners is of subjecting his wife to cruelty with respect to demand of Rs.01 lac and thereafter she was ousted from the house. She has a daughter also of three years.

Submission of the learned counsel for the petitioners is that it is the O.P.no.2 who is not ready to reside with the petitioner and lodged this case with false allegation and he is



still ready to keep her.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that she was used to cruelty and she has a daughter also of three years but no expenses are being paid to the informant up till now. She has filed Maintenance Case no.5 of 2018 before the learned Principal Judge, Family Court, Darbhanga.

Considering the above facts and circumstances, let petitioner be enlarged on bail in connection with C.R.No.01 of 2017 to the satisfaction of the learned court below with condition of payment of Rs.3,000/- (three thousand) per month to the O.P.no.2 for a period of one year, in the meantime, it is expected that the learned Family Court will pass any order with respect to payment of maintenance either interim or final, which will be abide by the petitioner and it is also expected that the petitioner shall co-operate in disposal of the Maintenance Case and will appear as and when required by Family Court.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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