

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18310 of 2019**

Arising Out of PS. Case No.-745 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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SHARDA PRASAD @ SHARDANAND Son of Late Kunwer Bhagat,
Resident of Village-Bhitbherwan Koiri Tola, Ward No.14, P.S.-Gopalganj
Town, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sangeeta Devi Wife of Sharda Prasad @ Shardanand, Resident of Village-
Bhiberwan Koiri Tola, Ward No.15, P.S-Gopalganj Town, District-
Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-08-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection
with Gopalganj Town P.S.Case No.745 of 2018 , registered for
offences punishable under Section 498A of the Indian Penal
Code.

Allegation against the petitioner who happens to be
husband of the complainant is that the petitioner has illicit
relationship with another lady and due to that he stopped giving
maintenance to her and also used to assault her. It is also alleged
that in the marriage of her daughter she demanded money on
that he assured that he will give money and the marriage was



also solemnized but the amount has not been given to her , thereafter she was assaulted by the petitioner and other family members and she was ousted from the house of Ward No.14 asking her to reside in the house of Ward No.15. It is also alleged that she asked the petitioner to get the land, which has been sold, returned to her so that she can maintain herself and her family but he refused.

Submission of the learned counsel for the petitioner is that as a matter of fact that Opposite Party No.2 has connections with criminals and due to that the petitioner is not residing with O.P.no.2. Further submission is that he is still ready to allow her to reside in the house of Ward No.15 and will bear the expenses of the O.P.No.2 and her children.

Heard learned A.P.P. as well as the learned counsel for the O.P.no.2. They have opposed the prayer for bail but later on she is ready to reside in the house of Ward No.15 if she is allowed to live in that house without any objection and she further needs some expenses for her maintenance and maintenance of her children. .

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender by 14.8.2019 and



prior to that hand over the possession of the house of Ward No.15 to O.P.no.2 so that she can reside peacefully and further also on condition that he will pay an amount of Rs.4,000/- (four thousand) per month to O.P.no.2 for a period of one year and it is expected that O.P.no.2 shall file Maintenance Case during that period and on that the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gopalganj in connection with Gopalganj Town P.S.Case No.745 of 2018, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

It is also made clear that if the aforesaid condition(s) is violated, O.P.no.2 shall be at liberty to move for cancellation of the bail bond of the petitioner.

With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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