

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22578 of 2019

Arising Out of PS. Case No.-360 Year-2016 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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KAILASH SAH Son of Dinesh Sah Resident of Village - Narouchh, P.S.-
Jale, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Punam Devi Wife of Kailash Sah D/o- Mahendra Sah, Resident of
Village - Heeropatti, P.S.- Bisfi, District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-09-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Darbhanga C.R. case No. 360 of 2016,

registered for the offences punishable under Sections 341, 323,

307 498A, 464, 379 of the Indian Penal Code.

Allegation of demand of Rs. 1,00,000/- and one

motorcycle from the complainant and for non-fulfillment she

was subjecting to cruelty and torture and ousted from the house.

Submission of learned counsel for the petitioner is

that the whole allegation is false and concocted and he is still

ready to keep her with full dignity and care.

On appearance of the opposite party No. 2, the matter

was referred to the Darbhanga district Mediation Center, vide



order dated 21.6.2019. The report of Mediator is available on record at Flag “Y”. But from perusal of the report it appears that several proposal has been made by the opposite party no.2 including share in the house and Rs. 5,00,000/- in favour of the complainant. Lastly she has made a demand of Rs.5000/- per month as maintenance and the petitioner was ready to give Rs.3000/- for maintenance and also provide a room apart from providing cloths on the occasion of Durga Puja, Holi but opposite party no.2 did not accept the above proposal of the petitioner.

On the other hand, learned counsel for the opposite party no.2 submits that petitioner has solemnized second marriage as such it is not possible for opposite party no.2 to reside with the petitioner.

Considering the facts as stated above and also considering the submission of both the parties and present case is arises out of marital disputes between the parties, this application is disposed of with direction to the petitioner that he shall paid Rs.3000/- per month as well as providing cloths and other necessary articles and a room to the opposite party no. 2 for a period of one year. During that period, opposite party no.2 is at liberty to move an application before the concerned



Principal Judge, Family Court, for grant of monthly maintenance and petitioner is directed on service of personal notice he shall appear before the concerned court and cooperate in disposal of the same and will abide by any order pass by the Family Court unless the same is set aside or revised by Higher Court.

Accordingly the application is allowed.

Provisional bail granted by the this Court vide order dated 10.4.2019 is confirmed on the above condition.

(Vinod Kumar Sinha, J)

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