

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33879 of 2019

Arising Out of PS. Case No.-2192 Year-2018 Thana- COMPLAINT CASE District- Araria

ARBIND KUMAR PASWAN S/o Shankar Paswan R/o village- Om Nagar,
Ward No. 8, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Fulo Devi W/o Arbind Kumar Paswan, D/o Kailash Paswan R/o village- Jayprakash Nagar, Ward No. 7, P.S.- Araria, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.2192/C/2018 registered for offences punishable under Sections 323, 341, 379, 498(A) of the Indian Penal Code and Section 3/4 of the D.P.Act.

Allegation against the petitioner is of subjecting the wife of cruelty with respect to demand .

Submission of the learned counsel for the petitioner is that after filing of the divorce case, present case has been filed and the petition has been filed on the ground of desertion. On the other hand the learned counsel for the O.P.no.2 has submitted that in the maintenance case filed by the O.P.no.2, *ex*



parte order of maintenance of Rs.5,000/- has been passed against the petitioner by the learned Family Court but no payment has been made up till now.

Heard learned A.P.P. also.

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 and pray for regular bail, however, if in the meantime, petitioner starts paying maintenance amount and file an undertaking that he will continue to pay the maintenance amount, till the same is modified or set aside by any Higher Court, the learned court below shall consider the above aspect of the matter, while considering his prayer for bail.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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