

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38047 of 2019

Arising Out of PS. Case No.-2467 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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LAL CHAND DAS Son of Tulsi Das Resident of Village - Telta, Rautara
Patharbari, P.S.- Balrampur (Telta, O.P.), District- Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manjo Devi Wife of Lal Chand Das, D/O - Suresh Das Resident of Village -
Moni Para, Kachna, P.S.- Karandighi, District- Uttar Dinajpur (West Bengal)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-09-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.2467 of 2018 , registered for offences
punishable under Sections 498(A), 494, 379 and 307 of the
Indian Penal Code.

Allegation against the petitioner is of demand of Rs.02
lac and one motorcycle and for that subjecting the complainant
(wife) to cruelty and also allegation of solemnizing second
marriage.

Submission of the learned counsel for the petitioner is
that he is ready to keep her with dignity and care and the



allegation of demand as well as of second marriage is false and concocted.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has submitted that as the petitioner has solemnized second marriage, it is not possible for her to reside with the petitioner but the petitioner is not even being given maintenance for her expenses..

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction tot he petitioner to surrender by 16.10.2019, on condition that if he is ready to pay Rs.2,000/- (two thousand) per month to the O.P.no.2 for her maintenance for a period of one year and during that period, it is expected that O.P.no.2 shall move before the learned Family Court for grant of her maintenance and on personal service of notice the petitioner shall appear and co-operate in disposal of the same and abide by any order either final or interim passed by the learned Family Court, unless the same is set aside or modified by any Higher Court. On the above condition, 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 ACJM VI, Katihar in connection with
Complaint Case No.2467 of 2018, subject to conditions as laid
down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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