

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39270 of 2019

Arising Out of PS. Case No.-1153 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. ASHOK KUMAR Son of Late Pardeshi Ram Resident of village- Akorhi Mela, P.S.- Durgawati, District- Kaimur (Bhabhua).
 2. Geeta Devi Wife of Daya Shankar Ram Resident of village- Akorhi Mela, P.S.- Durgawati, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Savita Devi Wife of Ashok Kumar At Present residing with Sukhram Ram, Resident of village- Baduri, P.S.- Durgawati, District- Kaimur (Bhabhua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 27-09-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Complaint Case No.1153/2016 registered for offences punishable under Sections 307, 498(A), 406/34 of the Indian Penal Code.

As per the complaint petition, there is allegation that the petitioner has illicit relationship with his *Bhabhi* and he is working in a private Firm at Mumbai as well as he is not paying any amount to her rather paying amount to his *Bhabhi* and in spite of a panchayati she was ousted after taking her ornaments.

Submission of the learned counsel for the petitioners is



that the allegations are false and concocted and he is still ready to keep her .

On the other hand the learned counsel for the O.P.no.2 has submitted that for the last five years, she is residing separately and not a single penny has been paid to her for her maintenance and furthermore in a maintenance case, *ex parte* order has been passed but still no payment has been made by the petitioner.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner no.2 (Geeta Devi) is concerned, in the event of arrest or surrender before the learned court below, 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 SDJM, Kaimur at Bhabhua in connection with Bhabhua Complaint Case No.1153 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no.1 (Ashok Kumar) is concerned, this application is disposed of with direction to the petitioner to surrender before the learned court below and on condition that he is ready to pay maintenance amount as decided by the learned Family Court, he will be released on bail in connection



with Bhabhua Complaint Case No.1153 of 2016 on bail bond of
Rs.25,000/- (Twenty five thousand).

With the aforesaid direction, this application is
disposed of.

(Vinod Kumar Sinha, J)

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