

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42000 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- MAHILA P.S. District- Bhojpur

DEWAKAR CHOUHAN Son of Haridwar Chouhan Resident of Village-Shayer Tola Dumra, P.O-Nawagarh, P.S-Baghmara, District-Dhanbad. At present resident of Bank of Maharastra, 1389 Shukul Mumbai Goa Highway at Post Langa Tola Lanja, District-Ratnagari , Kolhapur Road

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ritu Kumari Chauhan D/o Late Ramashankar Chauhan Resident of Village-Maulabag (Ara) Idgah, Second lane District-Bhojpur (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 04-11-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Mahila P.S.Case No.28 of 2019 registered for offences punishable under Sections 498(A), 323, 504, 506/34 of the Indian Penal Code and Section 3/4 of the D.P.Act.

Case is under Section 498A of the IPC with allegation of demand of and torture.

Submission of the learned counsel for the petitioner is that earlier to filing of this case the petitioner had filed divorce case and while the matter was pending for reconciliation, the present case has been filed. It is further submitted that as per the order of the learned Family Court in divorce case he was



directed to pay Rs.10,000/- per month to the O.P.no.2 but the O.P.no.2 has moved before the Hon'ble Apex Court where the matter was stayed and as such he was not paying the maintenance but still he is ready to pay the amount to the O.P.no.2.

It is further submitter that earlier also a complaint case had been filed by the O.P.no.2 but at compromise the same has been disposed of .

Heard learned A.P.P. and the learned counsel for the O.P.no.2 who has submitted that there is suppression of fact as the earlier case has not been mention in para 3 of the petition. It is further submitted that the maintenance of Rs.10,000/- per month, as directed by the learned Family Court, is not being paid on the plea that the matter has been stayed by the Hon'ble Apex Court..

Having heard both sides and in view of the facts and circumstances, as stated above, this application is allowed on condition that the petitioner shall continue to pay Rs.10,000/- per month to the O.P.no.2 as per order of the learned Family Court and also that he will clear the dues amount from July this year within a period of two months to the O.P.no.2 and on the above condition this application is allowed and the provisional



bail granted to the petitioner, vide order dated 10.7.2019 is confirmed.

It is also made clear that the petitioner shall co-operate in disposal of the case and appear before the court below as and when required .

It is also made clear that if the petitioner fails to pay Rs.10,000/- continuously for three months, O.P.no.2 shall be at liberty to move for cancellation of the bail bond of the petitioner before the court below itself.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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