

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43946 of 2019

Arising Out of PS. Case No.-30 Year-2015 Thana- MAHILA P.S. District- Nawada

Rajesh Kumar @ Rajesh Kr. Chaudhry S/o Baiju Choudhary R/o village-
Sohdih, P.S.- Sohasarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi D/o Sagar Mahatha, r/v-Rajendra Nagar, P.S. - Nawada,
District - Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mahila P.S.
Case No. 30 of 2015, registered for the offences punishable
under Sections 498A, 323, 341, 504, 494 and 34 of the Indian
Penal Code and section 3/4 of Dowry Prohibition Act.

Informant alleged that all the accused persons
including this petitioner subjected her to mental and physical
torture. It is further alleged that petitioner solemnized second
marriage with the another girl namely, Sanju Devi. Sanju Devi
happens to be informant's Gotni.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case due to ulterior
motive. Petitioner has not performed second marriage. There is



general and omnibus allegation against him. In fact, O.P. No. 2 is not interested in continuing the matrimonial obligation with the petitioner. Therefore, petitioner has filed a Matrimonial case before Principal Judge, Family court, Biharsharif bearing Matrimonial Case No. 55 of 2012.

Learned counsel for the informant submits that petitioner being husband of the victim, may be directed to pay Rs. 7,500/- per month to opposite party no. 2, as maintenance amount, subject to final disposal of Matrimonial Case No. 55 of 2012 which is not disputed by learned counsel for the petitioner.

In view of the aforesaid facts, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Mahila P.S. Case No. 30 of 2015, subject to the conditions:-

As agreed between the parties, petitioner would pay Rs. 7,500/- per month to the opposite party no. 2 as maintenance amount from October, 2019 by depositing the same in her



Savings Bank Account by second week of every succeeding month, subject to any order passed in Divorce Case No. 55 of 2012, maintenance or connected proceedings. **Opposite party no. 2. will file an affidavit in the court below within two weeks stating her Savings Bank Account number for its communication to the petitioner**, so that he may credit the aforesaid maintenance amount, as per this order. In case of default of payment of the aforesaid amount for three consecutive months, opposite party no. 2 will be at liberty to file application for cancellation of the bail of petitioner.

Parties would ensure their appearance in the case on each and every date fixed by the learned Family Court. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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