

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80173 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- LAXMIPUR District- Jamui

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Pankaj Yadav Son of Sukhdeo Yadav, Resident of Village- Maura, P.S.-
Gidhaur, District- Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sunaina Devi, Wife of Pankaj Yadav, resident of Village- Maura, at present
Village- Seva, both P.S.- Gidhaur, District- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad
For the Opposite Party/s : Mr.Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-05-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Laxmipur/Gidhaur P.S.Case no.121 of 2018 registered for offences punishable under Sections 498(A), 34, 494 of the Indian Penal Code and Section 3/4 of the D.P. Act..

Allegation against the petitioner is that he has ousted his wife and also solemnized second marriage. After appearance of the O.P.no.2 this case was referred to the Mediation and Reconciliation Centre, vide order dated 28.2.2019 and the report of the Mediator shows that in spite of best and sincere efforts, the dispute between the parties could not be resolved.

Submission of the learned counsel for the petitioner is that he is still ready to keep her however, he has accepted the marriage with another lady with consent of O.P.no.2 as she is issueless and he is still ready to maintain her.



Heard learned A.P.P. and the learned counsel for the O.P.no.2 and the learned counsel for the O.P.no.2 has submitted that the petitioner has re-married as such it is not possible for her to live with the petitioner, however, she wants that some maintenance be given to her and on query it appears that the petitioner is a labourer and earns daily wages in the village.

Having heard both sides and considering the facts and circumstances, as stated above, if the petitioner is ready to pay Rs.1,500/- (One thousand & five hundred) per month to the O.P.no.2 from the date of this order and file such a petition before the learned court below, the provisional bail granted vide order dated 16.1.2019 passed in the instant case shall be confirmed in connection with Laxmipur/Gidhaur P.S.Case No.121 of 2018.

It is also made clear that failure to pay the amount for three consecutive months, the O.P.no.2 is at liberty to move before the learned court below itself for cancellation of the bail bond of the petitioner.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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