

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60265 of 2019

Arising Out of PS. Case No.-1644 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Santosh Kumar, S/o- Bindeshwari Yadav, Resident of Village- Manjhauli,
P.S.- Sirdalla, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari, W/O- Santosh Kumar, Daughter of Baiju Yadav, Resident of Village- Manjhauli, P.S.- Sirdalla, District- Nawada. at present residing at Surve Toli, Domka, P.S.- Fatehpur, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kiran Sinha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-09-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 1644 of 2017, disclosing offences under Sections 323, 354, 498A, 307, 34 of the Indian Penal Code.

Petitioner happens to be the husband of the complainant. There is allegation of demand of four wheeler and due to non-fulfillment of said demand, subjecting her to cruelty and harassment.

Submission of learned counsel for the petitioner is that allegation of demand and torture is false and concocted. As a matter of fact, he is in service in Military, as such, he is unable to keep her at service place and keeps her in matrimonial house,



whereas complainant is not ready to reside at her Sasural. Further submission is that he is still ready to keep her with dignity and care and the order of maintenance has also been passed and he is ready to pay the maintenance amount.

Heard learned APP and learned counsel appearing on behalf of opposite party no.2, who has stated that she is ready to reside with the petitioner, but petitioner has filed a divorce case being Matrimonial Case No. 326 of 2018, under Sections 13 of the Hindu Marriage Act. It has also been submitted that in spite of order in maintenance case passed, petitioner is not paying maintenance to her. On that, learned counsel for the petitioner has submitted that if she is ready to reside with him, petitioner shall withdraw the said case.

In view of the stand of the parties, this application is disposed of with a direction to the petitioner to surrender before the learned court below on 04.11.2019 and in the meantime, he will pay 50% of the due amount of maintenance and produce the document showing that and also file an application before the learned court below to the effect that he is still ready to keep her with dignity and care and take her from the Court itself and undertakes that he will pay some reasonable amount for her expenses in future also, the petitioner shall be released on bail



for a period of six months, after the expiry of six months period, both the parties shall again appear before the learned court below, who will verify the conduct as well as marital relationship of both the parties. Once the court below is satisfied with the conduct of both the parties, and their marital relationship, especially the conduct of the petitioner, the court below shall confirm the bail bonds of the petitioner or pass any other order or orders, which may deem fit and proper.

It is also made clear that once the opposite party no.2 start residing with the petitioner after confirming of the bail bonds, the petitioner shall withdraw the divorce case filed against the opposite party no.2.

If the opposite party no.2 is not ready to reside with the petitioner, in that situation also, the petitioner shall be released on bail to the satisfaction of the court below.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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