

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62055 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- SHRIKRISHNAPURI District- Patna

Uttam Kumar, Son of late Bijoy Kumar Gupta, Presently Posted at Bharat Petroleum Corporation Ltd. LPG Bottling Plant Fatuha Industrial Area, Fatuha, P.S. Fatuha- 803201, Distt. Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Madhupriya, D/o Shyama Kant Lal, Jogda Niketan Chandmari Road, Road No. 4, Kankarbagh, P.S. Kankarbagh, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-01-2019 Heard learned counsels for the petitioner, informant and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A/379/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 11.03.2017 submitted by Madhu Priya to the Station House Officer, Srikrishnapuri Police Station is to the effect that the informant has been residing in the house of the petitioner under the court's order, but the in-laws family members are not allowing the informant to meet her 13 years



son namely Animesh Shaishav. It is further alleged that the petitioner, being the husband of the informant used to assault and torture the informant on the instigation of his brother and brother's wife. It is also alleged that the brother and brother's wife of the husband of the informant had threatened her to be burnt alive. It is further alleged that on 06.03.2017, all the accused persons assaulted the informant and snatched Rs.50,000/- from her.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a male child. Though earlier matrimonial suit for dissolution of marriage was filed, but subsequently it was withdrawn. Thereafter, again the petitioner preferred Matrimonial Suit No.223 of 2016 with a prayer for divorce and the same was decreed vide judgment dated 28th May, 2018, passed by the of learned Principal Judge, Family Court, Patna, as contained in Annexure-6.

It is submitted by learned counsel for the informant that though the informant is not disputing the factum of dissolution of marriage, vide Annexure-6, but challenge of the said order is under process. It is further submitted that the informant wants custody of the child and the informant is not



being paid Rs. 25,000/- per month as interim reliefs granted by learned ACJM, Patna vide order dated 04.09.2017, passed in Domestic Violence Case No. 70 of 2016.

Learned counsel for the petitioner further submits that the petitioner has been making payment of the said amount, though the said order is under challenge.

Considering the fact that the factum of dissolution of marriage by a valid decree is not under challenge and present stand of the petitioner, let the above named petitioner be released on bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-cum-Special Judge, CBI-1, Patna, in connection with S. K. Puri P.S. Case No.70 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on production of proof with regard to deposit of entire interim maintenance amount in view of order dated 04.09.2017 passed by the learned ACJM, Patna in Domestic Violence Case No. 70 of 2016.

However, it is made clear that this Court has not



expressed any opinion with regard to the claim of the informant
with respect to custody of the child as the same can be decided
in appropriate proceeding.

(Dinesh Kumar Singh, J)

Ashwini/-

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