

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64754 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA P.S. District- Nawada

RAHUL KUMAR Son of Bhavesh Kumar Resident of Village / Mohalla -
Sambe, P.S.- Warsaliganj, District- Nawada

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shabnam Kumari D/O - Bhagwan Prasad Resident of Village / Muhalla -
Kutri, P.S.- Warsaliganj, District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-10-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Mahila P.S.Case No.22 of 2019 , registered for offences
punishable under Sections 341, 323, 379, 498A, 494/34 of the
Indian Penal Code and Section 34 of the D.P.Act..

As per FIR, there is allegation against the petitioner,, who
happens to be husband of the information of torturing the
informant and also ousting her from the house . There is
further allegation that he has solemnized second marriage also.

Submission of the learned counsel for the petitioner is
that the allegation is false and concocted. He is still ready to
keep her and earlier also he had filed a petition for restitution



of the conjugal right and thereafter a divorce case has been filed by the petitioner as she was not ready to reside with the petitioner. On the other hand the learned counsel for the informant has opposed the prayer for bail on the ground that she has appeared on the petition filed under Section 9 of the Hindu Marriage Act and after her appearance the petitioner left parivi in that case, and thereafter lodged the divorce case. He has solemnized second marriage with another lady without any divorce with the informant. He is an Engineer and no maintenance amount has been given to the informant up till now .

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, and also considering the fact that the matter relates to matrimonial dispute, this application is disposed of with a direction to the petitioner to surrender within a period of three weeks from the date of receipt of the order and on condition that he will pay Rs.10,000/- (ten thousand) per month to the informant for a period of one year and during that period, it is expected that the informant may file a petition before the learned Family Court for grant of



maintenance and on personal service of notice, the petitioner has to appear and co-operate in disposal of the same and abide by any order either interim or final passed by the learned Family Court unless the same is modified or set aside by any higher court, the petitioner, above named, shall be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Nawada in connection with Mahila P.S.Case No.22 of 2019 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

It is needless to say that if the petitioner fails to pay the maintenance amount continuously for three months, the O.P.no.2 is at liberty to move for cancellation of his bail bond.

With the above direction, this application is disposed of .

(Vinod Kumar Sinha, J)

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