

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7542 of 2020

Arising Out of PS. Case No.-1059 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Sudip Kumar Ghosh, Son of Somir Ghosh @ Somir Kr. Ghosh, Resident of Basanto, Babu Road, Vivekanando, in front of Sporting Club, P.S.- Bichpur, District -24 Pargana Kacharpara (West Bengal)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priyanka Ghosh, Wife of Sudip Kumar Ghosh, Residing at Mohalla - Uttari Bishwanath Ghosh, Tilak Nagar, Station Road, Begusarai, P.S.- Begusarai, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ajit Kumar Singh, Advocate
For the S t a t e	:	Mr.Syed Ehteshamuddin, APP
For O.P. No.2	:	Mr. Amresh Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned counsel for complainant-opposite party No.2 as well as the learned APP for the State.

The petitioner is apprehending his arrest in connection



with Complaint Case No.1059(C) of 2017 registered for the offence punishable under Sections 498A of the Indian Penal Code.

By earlier order dated 03.03.2020, this Court has recorded the undertaking of the petitioner's counsel that the outstanding amount of maintenance approximately Rs.80,000/- (eighty thousand) would be deposited by way of Bank draft in favour of the complainant.

It is submitted by the petitioner's counsel that a demand draft dated 17.03.2020 bearing No.05734488 drawn on Bank of Baroda in favour of the complainant has been deposited in the court of learned Principal Judge, Family Court, Begusarai in terms of the undertaking.

The aforesaid fact has not been disputed by the learned counsel for the complainant-opposite party No.2. He, however, submits that since April, 2020, no payment on account of maintenance has been made.

Learned counsel for the petitioner further submits that the petitioner would be surrendering in the court below within four weeks with the amount of maintenance up to September, 2020. He further undertakes that thereafter he would be paying monthly maintenance subject to finality of Divorce Case No.81



of 2019 pending in the court of Principal Judge, Family Court, Begusarai or subject to any order that may be passed in the said proceedings.

In view of the said undertaking, prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released 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 Sub-Divisional Judicial Magistrate, Begusarai, in connection with Complaint Case No.1059(C) of 2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

The court below shall monitor the issue and in case there is default in payment of monthly maintenance for two months consecutively, the court below will be free to exercise its judicial discretion for cancellation of bail being granted to the petitioner.

The order is being passed in presence of the learned APP for the State.

(Madhuresh Prasad, J)

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