

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26222 of 2020

Arising Out of PS. Case No.-199 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAN VIJAY PASWAN Son of Ram Nandan Paswan Resident of Village -
Parsurampur, P.S. - Parsauni, District - Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Renu Devi Wife of Ran Vijay Paswan D/o Mauje Paswan, At present
residing at village - Demami Kumhar tola, P.S. - Belsand, District -
Sitamarhi

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Uday Kumar,Advocate
For the Opposite Party/s : Ms.Rita Verma, APP
For O.P. No. 2 : Mr.Alok Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-12-2020 Heard learned counsel for the petitioner, Ms. Rita
Verma, learned APP for the State and Mr. Alok Kumar Jha,
learned counsel representing O.P. No. 2.

The petitioner in the present case is seeking regular
bail in connection with Complaint Case No. C1-199 of 2018, Tr.
No. 2911 of 2019 in which cognizance has been taken for the
offence punishable under Section 498A/34 of the Indian Penal
Code.

Earlier vide order dated 13.10.2020 this Court had
granted provisional bail to the petitioner while issuing notice to
O.P. No. 2.



Learned counsel for the petitioner submits that from the complaint petition itself it would appear that the complainant is not living with the petitioner since the year 2017 as according to her she has been thrown out from the matrimonial house but the fact is that she is not willing to live with the petitioner and to this effect a statement has been made in paragraph '7' of the petition.

Learned counsel submits that in connection with this case the petitioner has remained in jail for about 8 months prior to his release on provisional bail and now a dispute has arisen over the birth of a child as according to the petitioner he was not in touch with the complainant during this period.

On the other hand, learned counsel for the complainant-O.P. No. 2 as well as learned APP for the State have opposed the prayer for regular bail of the petitioner but at the end in view of what has transpired, both the parties agreed that for the present the petitioner may take care of O.P. No. 2 and the newly born baby by paying a sum of Rs.2,500/- (two thousand five hundred) per month to them subject to any other order which may be passed by a competent court in an appropriate proceeding for maintenance.

Learned counsel for the petitioner agrees that the



petitioner will pay Rs.2,500/- (two thousand five hundred) per month which will be deposited either in the account of the complainant-O.P. No. 2 or with the learned court below which the complainant would withdraw with the permission of the learned court below where the complaint case is pending.

In the aforesaid view of the matter, let the provisional bail granted to the petitioner on 13.10.2020 be confirmed and the petitioner be allowed to remain on bail on the same bail bond subject to the conditions indicated in the order dated 13.10.2020 as also further condition that in terms of his own undertaking and assurance before this Court the petitioner will keep on paying Rs.2,500/- per month to the complainant-O.P. No. 2 by 10th day of every month failing which it will be open for O.P. No. 2 to make an appropriate application in the learned court below for cancellation of bail which will be considered by the learned Court below.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

