

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34423 of 2021

Arising Out of PS. Case No.-318 Year-2008 Thana- SHASTRINAGAR District- Patna

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AMIT KUMAR PATHAK S/O LATE MUNDRIKA PATHAK, R/o village
and P.O.- Parsa, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Gautam Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mrs. Soni Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-12-2021 Heard the parties.

The petitioner seeks bail in connection with Shashtri Nagar P.S. Case No. 318/2008 instituted for the offences under Sections 498(A), 323, 34 of the Indian Penal Code.

The learned senior counsel for the petitioner submits that the petitioner is in custody since 28.08.2020, he is a person of one clean antecedents, charge-sheet has been submitted in this case.

Learned senior counsel for the petitioner further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the petitioner was married to the informant on 05.07.2006 and at the time of marriage father of the informant had gifted various articles including



Rs.1,30,000/-. After two months of the marriage, the petitioner started harassing his wife for motorcycle and money. It is alleged that the father of the informant gave Rs.49,000/- for a motorcycle thereafter the informant resided peacefully for some time and a female child was born on 28.08.2008, thereafter, petitioner again started assaulting the informant in matrimonial house.

Learned senior counsel for the petitioner submits that from perusal of FIR, it would manifest that the allegation is general and omnibus in nature and as far as assault is concerned that seems ornamental as there is no injury report on record.

Learned counsel for the informant submits that the petitioner was granted anticipatory bail by the learned court below and thus the petitioner and the informant again came together and thereafter, a female child was born. Learned senior counsel for the petitioner submits that though the anticipatory bail was granted to the petitioner but due to some unavoidable reason bail bond could not be furnished.

Learned counsel for the informant further submits that the petitioner after being released on anticipatory bail, again started torturing and assaulting the informant as he became drunker for which Shashtri Nagar P.S. Case No. 445/2020 was



instituted in which he was taken into custody and when the petitioner was taken into custody in the said case, the petitioner was remanded in this case, as the earlier anticipatory bail granted to the petitioner had become infructuous as bail bond were not executed.

Learned counsel for the informant submits that the petitioner has two daughters and the informant has already filed divorce case being Divorce Case No. 902/2020, but then the petitioner has responsibility towards his daughter.

Learned senior counsel for the petitioner in reply to the learned counsel for the informant on instruction submits that the petitioner is willing to pay Rs.8,000/- per month to the informant for maintaining his daughters to which the learned counsel for the informant agrees. The learned senior counsel for the petitioner submits that the informant is also working and is earning Rs.20,000/- per moth to which learned counsel for the informant does not dispute.

Learned APP for the State opposes the bail application.

Considering the facts that the petitioner is willing to pay Ra.8,000/- per month to the informant towards maintenance his daughters, the petitioner, above named, is directed to be



released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, in connection with Shastri Nagar P.S. Case No. 318/2008.

The informant will provide her bank account number in the learned court below and the petitioner in between 25th-28th of every month commencing from January, 2022 will start paying the agreed amount of Rs.8,000/- in the event the petitioner for any reason does not pay the maintenance amount for two months consecutively in the bank account of the informant the learned court below will be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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