

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34837 of 2020

Arising Out of PS. Case No.-565 Year-2017 Thana- GHORASAHAN District- East
Champaran

=====

Rahul Mishra @ Rahul Kumar @ Rahul Kumar Mishra aged about 28 years,
Gender-Male, Son of Santosh Mishra Resident of Village - Gola Pakadiya,
Police Station - Lakhaura, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Binu Kumari, aged 23 years, Gender-Female, Wife of Rahul Kumar Mishra
Presently R/O House of Alam Mistri, Mohalla - Ajarwa, P.S. - Motihari,
District - East Champaran.

... .. Opposite Part

=====

Appearance :

For the Petitioner : Mr. Madhurendra Kumar, Advocate
For the State : Mr. Uma Nath Mishra, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-01-2021 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner is in custody in connection with
Ghorasahan (Lakhaura) P.S. Case No.565 of 2017 for the
offence under Sections 341, 323, 498(A), 379 and 313/34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

The petitioner was granted anticipatory bail by a
Bench of this Court vide order dated 11.10.2018 passed in Cr.
Misc. No. 53449 of 2018 only on the condition that he will
make payment of Rs. 5000/- per month as maintenance to the



informant-wife and her child. The petitioner defied the direction issued by this Court and as such his bail bond was finally cancelled.

Petitioner has approached this Court by filing the present application for grant of regular bail.

It is not in dispute that the petitioner, who is the husband of the informant, has solemn duty to maintain his wife and child. His conduct reflects that he has neglected his wife and as such, the case was registered against the petitioner.

In order to provide one more opportunity to the petitioner to maintain his wife and child, the petitioner is granted provisional bail for a period of one month from today on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran at Motihari in connection with Ghorasahan (Lakhaura) P.S. Case No.565 of 2017 on the condition that he will pay Rs.5000/- per month as maintenance to his wife. The provisional bail shall be revived by the court below on the condition that the petitioner shall keep on paying the maintenance to his wife. The moment the petitioner stops payment of Rs. 5000/- per month as maintenance to his wife, the



court below shall be at liberty to cancel his bail bond.

Until there is final settlement of dispute between the husband and wife by the Principal Judge, Family Court, payment of Rs. 5000/- per month as maintenance to his wife shall abide by final outcome of the instant criminal case.

(Anil Kumar Upadhyay, J)

BT/-

U		T	
---	--	---	--

