

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1602 of 2021

Arising Out of PS. Case No.-18 Year-2016 Thana- MAHILA P.S. District- Sitamarhi

SATYANARAIN SINGH S/O Ram Viraj Singh Resident Of Village -
Manikpur, Mushaharnia, P.S. - Parihar, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandradeo Singh S/O Late Hira Singh Resident Of Village - Bariyarpur, P.
S and District -Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-10-2021 Photo copy of certified copy of order dated
18.08.2018 passed by the Principal Judge, Family Court,
Sitamarhi in Maintenance Case no. 169/2016 has been filed. Let
it be kept on record.

Heard Sri Mahendra Thakur, learned counsel for the
petitioner assisted by Sri Sanjay Kumar, Sri Ashok Kumar Jha,
learned counsel for the informant and learned APP for the State.

Petitioner seeks anticipatory bail in Sitamarhi Mahila
P.S. Case no. 18 of 2016 registered for the offence punishable
under sections 341, 323, 498A and 504/34 of the Indian Penal
Code.

Learned counsel for the informant submits that



daughter of opposite party no.2 has filed Maintenance Case no. 169/2016 in the court of the Principal Judge, Family Court, Sitamarhi for seeking maintenance under section 125 Cr.P.C. The learned court below had issued notice to the petitioner herein but despite taking all endeavour by the court to ensure the presence of the petitioner, presence of the petitioner could not be secured as such the learned court below was pleased to pass ex parte order fixing maintenance of Rs 3500/- per month to be given to wife of petitioner. Learned counsel for the informant further submits that despite order dated 18.08.2018 petitioner till date has not paid any single farthing to his wife nor had moved before any forum seeking his remedy available in law against the order of maintenance as such order of maintenance has attained finality. Learned counsel for the informant submits that opposite party no.2 had intimated about the order passed by the Family court to the petitioner but despite being aware, he ignored the same. He further submits that he has no objection if petitioner is granted privilege of anticipatory bail provided that petitioner agrees to pay arrear as per order dated 18.08.2018 which comes to Rs 2,13,500/- within a period of one year from today. Further learned counsel also submits that the petitioner would pay arrear within one year from today,



as far as current maintenance is concerned, petitioner should start paying the same with effect from 01.11.2021. As such petitioner has to pay arrear amount from 18.08.2018 to 31.10.2021.

Learned counsel for the informant further submits that opposite party no.2 shall furnish bank account number of his daughter in the learned court below and the petitioner will start paying the current maintenance in the said account from the month of November, 2021 and will deposit arrear amount as aforesaid within a period of one year in the same account.

Learned counsel for the petitioner does not dispute the contentions of learned counsel for the informant rather agreed based on the instruction received from the petitioner, as the learned counsel for the petitioner on 27.10.2021, had sought pass over for seeking instruction from petitioner, as to whether he is ready to pay the arrear maintenance and the current maintenance or not.

Since learned counsel for the petitioner on instruction from the petitioner has agreed to pay arrear within the time aforesaid as well as current maintenance from the month of November,2021 as such in the event of arrest/surrender within ten weeks from today, the petitioner is directed to be released on



provisional bail for a period of one year on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Sadar Sitamarhi in Sitamarhi Mahila P.S. Case no. 18 of 2016 subject to the condition under section 438(2) Cr.P.C.

In the event, petitioner is not able to make payment of arrear as agreed by 30.11.2022, learned court below will be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

s.hassan/-

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