

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7164 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- RAJIVNAGAR District- Patna

OM GUPTA Son of Madan Mohan Gupta Resident of Ashiana Digha Main Road, Near IDBI Bank, P.S. - Rajeev Nagar, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar

2. Seema Devi w/o Om Gupta resident of Ashiana Digha Main Road, Near IDBI Bank, P.S. - Rajeev Nagar, District - Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Suraj Kumar,Advocate

For the Opposite Party/s : Mr.Ajit Kumar,APP

For the Informant : Mr.Kumar Goutam,Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

14 29-09-2021 Heard learned counsel for the petitioner, learned counsel for the informant-O.P. No. 2 and Mr. Ajit Kumar, learned APP for the State.

The petitioner in the present case is the husband of the informant. He is seeking regular bail in connection with Rajiv Nagar P.S. Case No. 201 of 2020 registered for the offences punishable under Sections 341, 323, 498(A) of the Indian Penal Code.

The allegation against the petitioner is that he had been torturing the informant brutally. On 17.03.2020, the petitioner and his father had submitted a bond that they will keep the informant with full dignity and honour but even thereafter she was tortured on several occasions and has been



presently ousted from her husband's house.

As per the FIR, the petitioner and the informant had two children and the third one was in the womb of the informant.

Learned counsel for the petitioner submits that the petitioner has filed a divorce petition and due to incompatibility issues, it is not possible for him to live with the informant-O.P. No. 2. The petitioner is, however, willing to keep his minor children and take care of them.

At this stage, learned counsel for the petitioner has offered to pay a sum of Rs.5,000/- (Rupees Five Thousand/-) per month to the informant towards meeting her day-to-day expenses subject, however, to result of any appropriate proceeding which may be contested between the parties before the appropriate Court of Law.

Learned counsel for the informant-O.P. No. 2 is present and submits that the O.P. No. 2 is looking for an amicable settlement of her dispute and she wants to live with the petitioner together with her children. Learned counsel submits that the kind of stand being taken on behalf of the petitioner before this Court, at this stage without prejudice to the rights and contentions of the informant-O.P. No. 2, she would accept



the sum of Rs.5,000/- (Rupees Five Thousand/-) per month because she is living in a condition of penury.

Considering the facts and circumstances of the case and in the nature of the matrimonial disputes which have arisen between the parties, this Court is of the considered opinion that at this stage, the provisional bail granted to the petitioner vide order dated 28.04.2021 is required to be confirmed and the same is hereby confirmed, subject to the conditions under Section 437(3) Cr.P.C. Let the petitioner remain on bail on the same bail bond.

And further condition that in terms of his own offer made/undertaking given before this Court, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand/-) per month beginning from the month of September itself to the informant-O.P. No. 2 and such payment would be subject to result of any appropriate adjudication by the competent Court of Law as regards the quantum of maintenance which may be allowed to the informant and her three children, if the circumstances so arises.

Such payments shall be directly made in the account of the informant-O.P. No. 2 within first seven days of every month. The informant shall provide her account number to the



petitioner. Learned counsel for O.P. No. 2 submits that he is handing over the description of the account number to learned counsel for the petitioner in course of the day itself.

For the month of September the payment shall be made by 5th October, 2021, however, that will not cause any delay in payment of maintenance amount for the month of October, 2021.

The above condition has been recorded in presence of the parties and with their consent.

In case of breach of the conditions mentioned above, it will be open for the informant-O.P. No. 2 to file an appropriate application before this Court.

This application stands disposed of accordingly.

(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'.

