

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19439 of 2020**

In

CRIMINAL MISCELLANEOUS No.37236 of 2017

Arising Out of PS. Case No.-104 Year-2017 Thana- RAJIVNAGAR District- Patna

RANJEET KUMAR RAVI @ RANJIT KUMAR Son of Ramashraya Chaudhary Resident of Mohalla - Jai Prakash Nagar, Gaya Line Road, P.S.- Jakkanpur, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibha Kumari Wife of Ranjeet Kumar Ravi @ Ranjit Kumar Daughter of Prahalad Singh, At present residing at C/o Ashok Sharma, Vitt Vibhag Colony, Phase- 2, Khajpura, P.S.- Rajiv Nagar, District - Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan
For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 23-03-2022 Heard learned counsel for the petitioner as well as learned counsel for the opposite party.

It appears that vide order dated 17.11.2017 passed in Cr. Misc. No. 37263 of 2017 the petitioner was granted provisional anticipatory bail on the condition that he shall deposit Rs. 7,500/- per month as interim maintenance in the account of his wife Vibha Kumari for herself and her minor son. At the time of granting provisional bail, it was also observed that the maintenance amount of Rs. 7,500/- shall be paid till the final order passed in maintenance case and after passing of final order in the maintenance case, the court below will confirm the provisional bail of the petitioner. It was also directed that the learned court where the maintenance case was



pending shall dispose it of within a period of one year. When the maintenance case was not disposed of within the stipulated period of one year, a petition for confirming the provisional bail of the petitioner was filed as Cr. Misc. No. 15677 of 2019 which was disposed of vide order dated 27.03.2019 with a direction to pass the final order in the pending maintenance case within a period of three months from the date of receipt of that order and also the learned court below was required to send the compliance report to this Court otherwise serious view might be taken in the matter.

Learned counsel for the petitioner has submitted that despite the specific direction the maintenance case has not been disposed of uptill now and he has prayed that in such circumstances his provisional bail should be confirmed.

At the time of hearing, it was informed that no maintenance case has been filed by the wife, Vibha Kumari, but she has filed a petition under Domestic Violence Act, 2005 and in that petition she has made a prayer for seeking maintenance of Rs. 30,000/- per month for the maintenance of herself and the child, as there is specific provision for interim maintenance in the Act itself.

At the time of hearing, it was also brought to the notice of this Court that the petitioner has already filed a divorce case as Matrimonial Case No. 670 of 2018, which is still pending in the



court of Additional Principal Judge, Family Court, Patna and in that case a petition under Section 24 of the Hindu Marriage Act for *pendente lite* maintenance was filed and the court granted *pendente lite* maintenance at the rate of Rs. 12,000/- per month to the wife and child of the petitioner. It was submitted by the learned counsel for the opposite party that the amount of interim maintenance granted by this Court vide order dated 17.11.2017 was merged in the order under Section 24 of the Hindu Marriage Act but still the petitioner has not making payment of that amount.

So far as the non-payment of amount is concerned, the opposite party may take recourse of the provisions of law for recovery of that amount.

It has already been argued that the amount of interim maintenance granted while considering the anticipatory bail petition of the petitioner has already been merged in the order under Section 24 of the Hindu Marriage Act in aforesaid divorce case. Hence, the provisional bail of the petitioner is directed to be confirmed immediately.

Call for the present status of the case filed by the complainant under the provisions of Domestic Violence Act. Also call for the reason as to why that case has not been disposed of as yet despite the specific order of this Court to dispose it of within three



months, along with the expected time under which the case will be disposed of. The report must come to this Court within a period of one month.

List the case after one month.

Accordingly, this modification petition is disposed of.

(Nawneet Kumar Pandey, J)

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