

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.336 of 2020

Arising Out of PS. Case No.-65 Year-2018 Thana- MAHILA P.S. District- Madhepura

Rahul Kumar Son of Dhirendra Yadav Resident of Village- Jiwachhapur, P.S.-
Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pratima Kumar Wife of Rahul Kumar Resident of Village- Jiwachhapur, P.S.- Gamharia, District- Madhepura. Presently residing at Daughter of Amrendra Yadav, resident of Village- Sri Nagar, P.S.- Ghailarh, District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.(Dr.) Sanjay Kumar Singh, Advocate.
For the State	:	Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-09-2022 An affidavit showing jointness of opposite party no.2 with her father has been filed on behalf of the petitioner. It is stated that the opposite party no.2 is residing with her father in the same house.

In the aforesaid view of the matter, let the notice upon the opposite party no.2 be taken to have been validly served.

The petitioner in this case has questioned the conditions imposed by the learned Sessions Judge, Madhepura while passing the order dated 04.10.2019 granting bail to the petitioner in B.P. No.740 of 2019.

Learned counsel submits that the two conditions have been imposed upon the petitioner. The first condition is that he



shall file a bond or undertaking in the learned court below that he will keep his wife-informant with him with full honour and dignity by providing all necessary facilities to her. The second condition is that the petitioner shall also deposit Rs.1500/- per month as litigation cost in the account of the informant-wife within 10th day of each and every month till disposal of the case.

Learned counsel for the petitioner submits that both these conditions are burdensome and were not required to be imposed for purpose of bail. The conditions are, according to learned counsel for the petitioner, wholly illegal and without jurisdiction.

No one has appeared on behalf of the opposite party no.2.

Learned APP for the State has opposed the prayer for interference with the impugned order. Attention of this Court has been drawn towards the submissions made on behalf of the petitioner in the learned court below. A glance over the impugned order would show that on behalf of the petitioner a stand was taken that he is ready to keep his wife-informant with him with full honour and dignity. It is, thus submitted that in view of his own stand taken in the learned court below, the petitioner cannot complain against the condition no.1.



As regards the condition no.2, learned APP for the State submits that it appears from the allegations made in the FIR that the petitioner has not only thrown out the opposite party no.2 from her matrimonial house, he has deprived her of her *Stridhan*. The fact that she is still residing with her father shows that she is being continuously neglected by the petitioner. In these circumstances, it is submitted that the learned Sessions Judge has imposed the condition no.II.

This Court called upon learned counsel for the petitioner to inform as to whether the petitioner is paying any maintenance to the opposite party no.2. Learned counsel submits, at this stage, that he has no information in this regard but he has now submitted before this Court that the petitioner shall pay Rs.1500/- to opposite party no.2 in terms of the impugned order subject however to any appropriate order which may be passed in a maintenance case.

In the light of the submissions noted hereinabove, this application is being disposed of. No interference is required with the impugned order.

The petitioner shall submit the bond as required as it is only in terms of his own submission made before the learned court below. As agreed, he will pay Rs.1500/- per month to



opposite party no.2 subject to an appropriate order which may
be passed by a competent court in a duly constituted proceeding
for maintenance.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

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'.

