

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32102 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Kundan Kumar @ Kundan Mahto, Son Of Sudhir Mahto Resident Of Village-
Chilmil, P.S.- Mufassil, District- Begusarai. Petitioner/s
Versus

1. The State of Bihar
2. Priyanka Kumari, Wife Of Kundan Kumar @ Kundan Mahto, Daughter Of
Shikandar Mahto Resident Of Village- Sankh (Labtolia), Ward No.18, P.S.-
Mufassil, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Opposite Party/s : Mr. Ram Sumiran Rai

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The learned counsel for the petitioner submits that in
pursuance of the order dated 08.06.2022, notices were issued on
the opposite party no.2. It is next submitted that from perusal of
the office report, it would manifest that registered cover notice
was received personally by the opposite party no.2, as such, the
notice stands duly served.

It is next submitted that petitioner is the husband and
earlier also, the informant had instituted Complaint Case
No.696(C) of 2018 in which the petitioner was discharged by
order dated 25.10.2019 as would be evident from Annexure-2. It
is next submitted that despite receiving notice, the opposite
party no.2 chooses not to contest as no one appears on her



behalf, nor any *vakalatnama* by any learned lawyer has been filed.

The learned Additional P.P. opposes the bail application and submits that from perusal of the order impugned, it would manifest that the same records that the petitioner was granted anticipatory bail in Complaint Case No.696(C) of 2018 as he had given an undertaking before the learned District Court that he will keep the informant and the children with honour and dignity and thereafter, she was taken to her matrimonial home, but thereafter again the torture started.

At this stage, the learned counsel for the petitioner submits that out of the wedlock, two children were born, one child is staying with the petitioner and the another child is staying with the informant. The learned counsel very fairly submits that the informant chooses not to appear, but then he has instruction to make submission that the petitioner would pay a monthly maintenance of Rs.25,00/- to the informant which will commence from December, 2022 until any Court of competent jurisdiction fixes the maintenance, if any.

The learned trial Court is directed to get this order communicated to the informant through her learned lawyer.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Begusarai Mufassil P. S. Case No.177 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if the informant files an application before the learned trial Court bringing to its notice that the petitioner despite agreeing before this Court has not paid the amount as agreed consecutively for two months, the learned trial Court after hearing the petitioner shall pass orders in accordance with law and will also have liberty to cancel the bail bonds, if required.

(Satyavrat Verma, J)

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