

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41775 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- GOPALPUR District- Bhagalpur

1. SUMIT KUMAR @ SUMIT KUMAR YADAV S/O BIJAY YADAV @ BIJAY KUMAR YADAV Resident of Village- Chapar, P.S.- Gopalpur (Rangra), District- Bhagalpur.
2. SUJIT KUMAR @ SUJIT KUMAR YADAV S/O BIJAY YADAV @ BIJAY KUMAR YADAV Resident of Village- Chapar, P.S.- Gopalpur (Rangra), District- Bhagalpur.
3. GITA DEVI W/O BIJAY YADAV @ BIJAY KUMAR YADAV Resident of Village- Chapar, P.S.- Gopalpur (Rangra), District- Bhagalpur.
4. BIJAY YADAV @ BIJAY KUMAR YADAV S/O LATE KISHNU PRASAD YADAV Resident of Village- Chapar, P.S.- Gopalpur (Rangra), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sapna Kumari D/O Jay Prakash Yadav Resident of Village - Lattipur (Mushari Toli), P.S. - Gowripur, P.S. Bihpur, District - Bhagalpur, Pin Code - 853201.
3. Chief of Army Staff Government of India New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyama Nand Thakur, Advocate Dr. B. N. Sinha, Advocate
For the UOI	:	Mr. K. N. Singh, Advocate Mr. Ravindra Sharma, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No.2	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 19-05-2022 Heard the parties.

The petitioners seek bail in connection with Gopalpur (Rangra) P.S. Case No. 123 of 2021, registered for offence punishable under Sections 341, 323, 307, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3 and 4 of the D.P. Act.



Pursuant to the order dated 23.02.2022, the Union of India has filed its counter affidavit.

This Court had directed the Army authorities to deduct 50 percent salary from the account of Amit Kumar Yadav, Sepoy No. 4287626N and transfer the same every month in the account of opposite party no.2, so that the opposite party no.2 and her two children do not suffer.

The Union of India has filed a counter affidavit saying that as per their Rules they can deduct only maintenance allowance, which will not exceed from 30 percent of pay and allowances.

This Rule will not come in the way of complying the order of this Court as the Rules enable the Commanding Officer or higher authorities of the Army to act on the complaint of wife.

When this Court has passed an order, the same has to be complied with by the Army authorities. The salary as directed above shall be deducted from the account of the Amit Kumar Yadav, Sepoy No. 4287626N and transfer to the account of Opposite Party No. 2 regularly till any modification order passed by any court of law.

Considering the facts and circumstances of the case



and the petitioners are relative of the husband, who is working in Army, let the above-named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Naugachia in connection with Gopalpur (Rangra) P.S. Case No. 123 of 2021.

(Sandeep Kumar, J)

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