

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32234 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. RAJAN KUMAR S/o- Nand Kishore Ram Resident of Village- Chandan Nagar Bhavadepur, Ward No.12, P.S.- Riga, District- Sitamarhi.
 2. Guriya Kumari W/o Rajan Kumar Resident of Village- Chandan Nagar Bhavadepur, Ward No.12, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari W/o Rajan Kumar, D/o Ramprit Master Resident of Village- Adauri, P.S.- Purnahia, District- Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code.

Learned counsel submits that the order dated 12.09.2022, notices were issued upon the O.P. No. 2 and the same was received by O.P. No. 2 personally on 16.10.2022 as would evident from the office report. Learned counsel next submits that despite valid service of notice, the O.P. No. 2 chooses not to contest the case as no one appears on her behalf. Learned counsel next submits that petitioner is working in BELTRON on contractual basis and, thus, is aware of his



responsibility towards his wife, it is also submitted that petitioner is ready and willing to keep her with honour and dignity but for reason best known, the O.P. No.2 chooses not to contest the case, it is next submitted that learned counsel has instructions to submit that petitioner will pay a monthly maintenance of Rs. 7,500/- to the O.P. No. 2 until maintenance is not fixed by a Court of competent jurisdiction.

Learned A.P.P. for the State submits that since no one appears on behalf of the O.P. No. 2, how will she come to know about this order.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sitamarhi Complaint Case P.S. Case No. 22 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned Trial Court is directed that a copy of this order be served on the learned counsel appearing for the informant in the Trial Court so that the informant is made aware of the order, further, once the order is communicated to the O.P. No.2, the O.P. No. 2 shall furnish her bank account before the learned Trial



Court and the moment the bank account is furnished, the petitioner shall start paying the maintenance amount as agreed before this Court.

Learned counsel, at this stage, submits that the maintenance will commence from the month of December itself.

In the event, if the informant furnishes her bank account number even, subsequently, say in February or March or may be thereafter, but still the maintenance amount will be calculated from the month of December, 2022 itself.

Further, if the informant files an application bringing to the notice of the learned Trial Court that petitioner has not paid the maintenance amount consecutively for two months, the learned Trial Court, after giving an opportunity of hearing to the petitioner, shall pass order, in accordance with law, and shall also be entitled to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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