

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31659 of 2022

Arising Out of PS. Case No.-3294 Year-2015 Thana- COMPLAINT CASE District- Araria

PAWAN KUMAR MEHTA SON OF RAM NARAYAN MEHTA Resident of
Village-Baisi, P.S.-Kargain, District-Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SARITA KUMARI W/o Pawan Kumar Mehta Resident of Village-Bistiriya,
P.S.-Raniganj, District-Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, A.P.P.
For the Informant	:	Mr. Anil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A and 34 of the Indian Penal Code.

Learned counsel for the informant submits that since 2014, the informant is not staying with the petitioner and in between 2014 till date, not a single farthing has been provided by the petitioner for the sustenance of the informant.

Learned counsel for the petitioner submits that it is true that the informant is not staying with the petitioner since 2014 but then in 2015 he had filed an application under Section



9 of the Hindu Marriage Act seeking restitution of conjugal rights and the same was allowed and the informant was directed to resume her conjugal life with the petitioner. It is next submitted that, thereafter, the informant came, in compliance of the order passed by the learned Family Court, but again she left the petitioner and, thereafter, in 2018, a divorce case was filed by the petitioner.

Learned counsel for the informant submits that no doubt the informant, in compliance of the order passed by the learned Family Court, had went to resume her conjugal life with the petitioner but again differences started and she was tortured and, hence, she had to go back to her parental home and in the year 2018, the petitioner filed a divorce case and since 2018 till date, not a single farthing has been paid to the informant for her maintenance, it is also submitted that, as such, the informant is living a life of destitute and thus is not in a position to contest the divorce case.

Learned counsel for the petitioner, at his stage, submits that he has instructions to make submission that till the divorce case is not finally adjudicated or some interim compensation is not granted to the informant by the learned Trial Court, the petitioner will pay an amount of Rs. 5,000/- by



way of maintenance to the informant but the said maintenance will be subject to any maintenance fixed by the learned Family Court during the adjudication of the divorce case.

Learned counsel for the informant submits that he also has instructions to accept the offer of the present. Learned counsel for the informant further submits that he will Whatsapp the bank account number of the informant to the learned counsel for the petitioner.

Learned counsel for the petitioner submits that the moment he will receive the bank account number of the informant, he will Whatsapp the same to the petitioner and the maintenance amount will commence from January, 2023.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) 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 Complaint Case P.S.



Case No. 3294 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the informant files an application, bringing to the notice of the learned Trial Court, that the petitioner, despite agreeing before this Court, 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 orders in accordance with law and shall also be entitled to cancel his bail bonds.

(Satyavrat Verma, J)

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