

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81143 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- MAHILA PS District- East Champaran

HIMANSHU KUMAR Son of Raj Bahadur Rai Resident of Khardeyul @
Khardeyur Mahana, P.S. - Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anju Kumari Daughter of Indu Bhushan Singh Resident of Mohalla - Sri Krishna Nagar, P.S.- Town, Motihari, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

8 19-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner is husband of opposite party No. 2 who apprehends his arrest in connection with Mahila P.S. Case No. 43/2019 registered for the offences punishable under Sections 341/342/323/120(B)/506/406/ 498(A) /420/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Pursuant to the order dated 17.11.2021, a report has come from the Mediation Centre, West Champaran that the mediation has failed.

Shri L.B. Singh, learned counsel for the petitioner has submitted that he is regularly paying Rupees Ten Thousand (Rs. 10,000/-) per month as maintenance amount to the opposite party No. 2 after the order of payment of maintenance amount



was passed on 17.11.2021.

Learned counsel for the opposite party No. 2 has objected to the same and he submits that only an amount of Rupees Ten Thousand (Rs. 10,000/-) has been paid to the opposite party No. 2.

This Court will not go into the allegations and counter allegations between the parties.

Considering the facts and circumstances of the case, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Mahila P.S. Case No. 43/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, before accepting the bail bonds of the petitioner, the Court below shall verify and get itself satisfied as to the regular payment of maintenance from the month of November, 2021 and if the payment is regular, the bail bonds furnished by the petitioner shall be accepted and if payment is



not regular then the petitioner shall be taken into custody.

It is made clear that the maintenance amount is subject to any order passed by any competent court varying the amount of maintenance.

It goes without saying that the bail granted to the petitioner shall be cancelled by the Court below if the petitioner defaults in payment of maintenance.

With the aforesaid orders and directions, this application is allowed.

(Sandeep Kumar, J)

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