

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9061 of 2022

Arising Out of PS. Case No.-384 Year-2020 Thana- DANAPUR District- Patna

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SANGEETA DEVI Wife of Sonu Kumar , Daughter of Late Damodar Rai
Resident of Village - Ram bad, P.S. - Maner, District - Patna at present
resident of Mohalla - Bibiganj, Dalwar Road, P.O. Danapur Cantt. P.S. -
Danapur, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sonu Kumar Son of Sri Ram Dewan Rai Resident of Village - Ram bad, P.S.
- Maner, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 15-02-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The present petition has been filed for canceling the

bail granted to the opposite party no. 2 i.e. the husband of the

petitioner herein on the ground that he has failed to comply

with the undertaking given, while being granted bail by this

Court vide order dated 02.12.2020, passed in Cr. Misc. no.

30327 of 2020, inasmuch as he has failed to keep his wife

with him with due honor and dignity and has also solemnized

second marriage.

Allegations and counter allegations have been



levelled by the parties and the learned counsel for the petitioner has stated that her husband has already solemnized second marriage, hence, he is neither bothered to keep the petitioner with him nor has any regard for her, thus appropriate orders be passed, as is deemed fit and proper in the present matter.

This Court is of the opinion that since the opposite party no. 2 is now not ready to keep his wife with due honor and dignity, two options are available i.e. either the privilege of bail granted to the petitioner be cancelled or the opposite party no. 2 be directed to pay suitable maintenance amount to the petitioner herein, till a final decision is taken by the competent court.

At this juncture, the learned counsel appearing for the opposite party no. 2 submits that the opposite party no. 2, though is not ready to keep his wife with him but is ready to pay a sum of Rs. 10,000/- per month to the petitioner for her upkeep, till appropriate orders are passed by the competent court, either in the connected criminal case or in any other proceeding, to be initiated either by the petitioner or by the opposite party no. 2.

The learned counsel for the petitioner submits that



he is agreeable to the aforesaid offer made by the learned counsel for the opposite party no. 2, however, liberty be granted to her to avail such remedies, as are otherwise available under the law to seek redressal of her subsisting grievances.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to dispose off the present petition while modifying the aforesaid order dated 02.12.2020, passed in Cr. Misc. no. 30327 of 2020 to the extent that the petitioner shall deposit a sum of Rs. 10,000/-, in the first week of every month, before the learned court of Additional Chief Judicial Magistrate-1st, Danapur in connection with Danapur PS case no. 384 of 2020 and failure to do so shall result in cancellation of bail granted to the petitioner vide the aforesaid order dated 02.12.2020, whereupon, the opposite party no. 2 shall be liable to be taken into custody, forthwith. It is needless to state that upon appropriate application being filed by the petitioner before the learned court below, the learned court below shall release the amount, so deposited by the opposite party no. 2, in favour of the petitioner, upon such conditions, as may be deem fit and appropriate to be imposed.



Liberty is granted to the parties to avail such other alternative remedies, as are otherwise available under the law for redressal of their subsisting grievances.

The aforesaid order regarding payment of Rs. 10,000/- per month by the opposite party no. 2 to the petitioner shall continue till appropriate orders in this regard is passed by the competent court having appropriate jurisdiction.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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