

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46277 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- MAHILA P.S. District- Patna

Devendra Kumar @ Uday, Son of Kameshwar Prasad, Resident of Room No. 264, L.I.G., Block-5, Sector-6, Bhootnath Road, P.S. - Agamkuan, District - Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Jyoti Devi, Wife of Devendra Kumar @ Uday D/O. Shiv Balak Pandit, Resident of Room No. 264, L.I.G., Block-5, Sector-6, Bhootnath Road, P.S. - Agamkuan, District - Patna, Presently Residing At (Parental House) Village - Sultanpur, P.O. And P.S. - Aaungari, District – Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Arvnendra Kumar Thakur, Advocate
For the State	:	Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner and learned APP for the State. No one appears on behalf of the opposite party no. 2.

2. It appears from the order dated 17.10.2023 that on the said date also only learned counsel for the petitioner and learned APP for the State were present.

3. The petitioner in the present case is seeking pre-arrest bail in connection with Mahila P.S. Case No. 127 of 2022 registered for the offences punishable under Sections 498(A), 34 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the O.P. No. 2 has filed this complaint case alleging that her husband has established illicit relationship with a lady and he was indulging

in beatings and quarreling with the O.P. No. 2. The marriage between the parties was solemnised in the year 2013 and they have got two sons and one daughter from the wedlock.

5. Learned counsel submits that the allegations against the petitioner are false and flimsy. It is submitted that the petitioner and O.P. No. 2 are living together in the house which has been constructed by the father of the petitioner but because of the matrimonial discord between the parties, the father and mother of the petitioner were compelled to leave the house and stay outside.

6. Learned counsel submits that the petitioner is meeting all expenses of his wife and educational fees etc. of the children. It is, however, submitted that in order to show bonafide, the petitioner is ready to pay a sum of Rs.2,000/- per month for the time being to the O.P. No. 2 in order to provide her some financial assistance and it will be subject to result of the maintenance case/DV case as the case may be.

7. Learned APP for the State is present, however, no one has appeared for the O.P. No. 2 to appear in this application.

8. Having regard to the facts and circumstances of the case, considering that the marriage between the parties is about 10 years old and they have got three children and at this stage, the petitioner is also ready to provide some financial assistance to the O.P. No. 2, subject to an appropriate order in maintenance case/DV

Case, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Patna Mahila P.S. Case No. 127 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that he will continue to pay the school fees and other educational expenses of the three children and shall provide all other expenses of his wife and children as claimed by him in course of hearing of this case and further that he will pay Rs.2,000/- per month to the O.P. No. 2, subject to an appropriate order which may be passed in maintenance case/DV case by a competent court of law.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--