

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59941 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- MAHILA P.S. District- Patna

Vikash Kumar Son Of Prabhakar Prasad R/O Village And P.O.- Bargaon, P.S.-
Sirdala, Distt.- Nawada, Pin- 805122

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 17-05-2023 Heard Mr. Satish Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Kumar Jha,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 95 of 2021 registered under Section
323, 341, 342, 498(A), 376, 354(A), 506 and 509 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has filed restitution petition
and is willing to live along with the OP No. 2.

4. Mr. Satyavir Bharti, learned counsel appearing on
behalf of the Opposite Party No. 2 submits that OP No. 2 has
also filed maintenance case no. 177-M of 2021 which is pending
as on date. Learned counsel further informs that petitioner is a



government employee and is posted at Sherghati on the post of Sub-Divisional Agriculture Officer, however, he has not informed his controlling officer regarding criminal cases pending against him as well as the present case. Learned counsel also informs this Court that the parties have a child.

5. The respective parties have desired to live together, this Court also finds that petitioner had also filed restitution petition and the OP No. 2 has filed maintenance case. The child has been left uncared by the parties. The Court in such situation has to play the role of *parens patriae* and must endeavor with regard to the welfare of the child.

6. This Court directs the petitioner, who is the government official, to take care of his only child by meeting her day to day demand, and of her proper education in the best school. The Court below is directed to fix the amount after determining the total earning of the petitioner, both from his salary as well as from other source, as per the income tax return filed by the petitioner and ensure that the child is not left uncared by her parent. The Court below is required to consider while assessing the investment in care of the child and her education must take into account rate of inflation as on date and fix proportionately according to the income of the petitioner.



7. Considering the desire of the petitioner that he wants to live with the OP NO. 2 and the fact that OP NO. 2 has filed a maintenance case and petitioner also undertakes to inform his controlling officer about the criminal case pending against him, the petitioner is directed to file an affidavit giving the said fact along with the OP NO. 2 before the Court below within a period of six weeks, till then no coercive steps be taken against the petitioner.

8. The Court below is directed to grant provisional bail to the petitioner, if affidavit is filed within the aforesaid period, on such terms and conditions as the Court below may deems it fit and proper. The Court must endeavor to reconcile the parties and if the parties live together without any complaint for a period of one year the provisional bail is directed to be made absolute, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. If any of the conditions as mentioned above is not carried by the petitioner within the aforesaid period then in that case the interim relief granted to the petitioner shall loose its force and in that case the Additional Chief Secretary, Department of Agriculture is directed to take appropriate disciplinary action against the petitioner taking into account that



Mahila P.S. Case No. 95 of 2021 dated 15.08.2021 has been lodged by the wife of the petitioner and the same case is pending.

(Purnendu Singh, J)

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