

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7104 of 2024

Arising Out of PS. Case No.-6949 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Vijay Kumar Son of Lal Bahadur Ram R/o QUARTER NO. B-131, POLICE COLONY ,ANISABAD, P.S -GARDANIBAGH, DIST-PATNA Presently as town Teacher, Middle School Khirda, Khagra, P.S. and Distt. - Kishanganj
... .. Petitioner/s

Versus

1. The State of Bihar
 2. Binita Kumari W/o Vijay Kumar, D/o Chandeshwar Ram R/o Dashratha, P.S. - Beur, Distt. - Patna
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jagnnath Singh, Advocate Md. Ghulam Mustafa, Advocate Mr. Deepak Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the complainant	:	Mr. Satish Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-05-2024 Heard Mr. Jagnnath Singh, learned counsel for the petitioner and Mr. Satish Chandra, representing the complainant as also Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 6949(c) of 2021 for the offence punishable under Section 498-A of the Indian Penal Code filed on 24.11.2021 by the complainant, Binita Kumari.

3. Pursuant to the last order though the petitioner assured this Court that he will be taking his wife to Kishanganj, his work place, actually, he put her at a place called Kanki around 14 kilometers away from Kishanganj.

4. As per the lady, the room was bereft of any household goods making her life miserable. However, she



remained with him till Yesterday and today the couple is in the Court.

5. The conduct of the couple does not inspire confidence to the Court and in that background, it would be appropriate that for some time, they stay according to their wish. If at any point of time, they would like to unite, this Court will be happier.

6. For the present, learned counsel for the petitioner who is a government Teacher drawing around 40,000/- of salary undertakes that for the wife, he shall be paying Rs. 7000/- while for his daughter Rs. 3000/-. The consolidated amount of Rs. 10,000/- will be deposited in the Bank account of the lady having Account No. 61051928525, State Bank of India, R. Block-Branch by 10th every month.

7. Mr. Jagannath Singh submits that a Maintenance Case is already pending.

8. In case of any order passed by the concerned Court in the maintenance case, this order shall merge with the final order.

9. In that background, this Court deems it appropriate to extend the privilege of bail to the petitioner.

10. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Complaint Case No. 6949(c) of 2021 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. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

11. It is made clear that in default of payment of Rs. 10,000/- by 10th of every month, the informant/State shall be free to take steps for cancellation of his bail bond.

(Rajiv Roy, J)

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