

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38204 of 2021

Arising Out of PS. Case No.-3345 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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RISHAV BHARTI Son of Sri Hira Lal Mahto Resident of Village -
Kishnichak, P.S.- Amrpali, District - Bhagalpur at present resident at flat No.
119, Sector- 13, Pocket A, Rosewood apartment, Dwarika, New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Singh Wife of Shri Rishav Bharti D/O Shri Gautam Kumar Singh,
Resident of mohalla - Langru Akhara near Data Shah Mazar P.O. Gulzarbag,
P.S.- Alamganj, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudra Deo
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

31 19-04-2024 Heard learned counsel for the petitioner and learned

APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection

with Compliant Case No. 3345/2016 for the offences punishable

under Sections 498(A) of the Indian Penal Code.

3. The petitioner is accused of torturing his wife. He

has remarried also.

4. Learned counsel for the petitioner submits that his

arrest is not required and, therefore in view of the law laid down

by the Supreme Court in the case of *Arnesh Vs. The State of*
Bihar reported in (2014) 8 SCC 273, this application may be



considered.

5. Learned counsel for the informant has submitted that the petitioner has not paid the entire maintenance amount decided by the Additional Principal Judge, Family Court, Patna and he is not co-operating in the trial.

6. Learned counsel for the Bank has submitted that as per the earlier direction of this Court, an amount of Rs. 4,44,461/- has been paid to the informant by deducting it from the salary of the petitioner up to March, 2024. He further submits that the petitioner has resigned from the Bank and therefore, the Bank will not be able to make deduction any further and transfer the same directly to the opposite party No. 3.

7. I have considered the submissions of the parties.

8. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks for today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna in connection with Compliant Case No. 3345/2016, subject to the conditions laid down in Section



438(2) of the Code of Criminal Procedure, 1973 and also subject to the condition that he will co-operate in the trial.

9. The petitioner will appear personally or through his lawyer regularly in the trial court. He will also pay maintenance as per the directions of the Additional Principal Judge, Family Court, Patna. The arrears of maintenance which are still left to be paid shall be deducted from his retiral dues by the Bank.

10. The informant will approach the Bank with the exact calculation of her dues and the same shall be paid to her after deducing it from the retiral dues of the petitioner by the Bank. Till the entire dues of the informant is not paid, the Bank will not release the retiral dues of the petitioner.

11. The Court below is directed to conclude the trial of the petitioner within six months from the date of communication of this order.

(Sandeep Kumar, J)

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