

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70512 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- SARE District- Nalanda

Chandramauli Kumar @ Polo Son of Late Gauri Shankar Singh R/o vill -
Sare, P.s. - Sare, Distt. - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshmi Devi W/o Chandramauli @ Polo, D/o Brijnandan Singh R/o vill -
Sare, P.s. - Sare, Distt. - Nalanda, At present R/o vill - Tiruri, P.s. - Manpur,
Distt. - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 27-02-2024 1. Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Sare P.S. Case No.
81 of 2022 registered for the offences punishable under Section
341, 323, 324, 342, 307 and 379 of the Indian Penal Code.
3. The allegation against the petitioner is to commit
cruelty against O.P. No. 2/wife.
4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife. Learned counsel also filed statement of complainant/O.P. No. 2/wife, where she stated during enquiry that she wanted to lead her conjugal life with petitioner. It is submitted that O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs. 2,500/- as an ad-interim maintenance amount to O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before Learned Trial Court.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay ad-interim maintenance amount of Rs. 2,500/- to O.P. No. 2/wife, till disposal of the case, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IV, Nalanda at Biharsharif/concerned



Court below where the case is pending in connection with Sare
P.S. Case No. 81 of 2022 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C. with further conditions :-

*(i) Petitioner shall pay Rs.
2,500/- as an ad-interim maintenance
amount to O.P. No. 2/wife on or before
7th day of English calendar month.
Payment for the month of February be
made in cash at the time of furnishing
bail bond, whereas maintenance
amount from the month of March
onwards be paid through bank
account of O.P. No. 2/wife, if not
available same be opened by
petitioner, on his expenditure, if any.*

*(ii) If petitioner fails to pay
ad-interim maintenance for two
consecutive months the bail bond of
petitioner shall be cancelled by the
learned Trial Court, itself, if pressed
by O.P. No.2/wife.*

(iii) Both conditions as



*above shall remain in force till finding
of learned Family Court on
maintenance issue. Amount paid shall
be adjusted accordingly.*

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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