

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69959 of 2023

Arising Out of PS. Case No.-2618 Year-2022 Thana- COMPLAINT CASE District- Araria

Suraj Mandal @ Suraj Kumar Son of Ghanshyam Mandal R/o vill - Harira,
ward no. 02, P.S. - Kursakanta, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Kumari @ Lakshmi Kumari W/o Suraj Mandal, D/o Kailash Mandal
R/o vill - Pahunsi, Ward no. 04, P.S. - Kursakanta, Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, 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 Complaint Case No.
2618 C of 2022 registered for the offences punishable under
Section 323 and 498 A 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 as 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. 3,000/- 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. 3,000/- 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 Judicial



Magistrate, 1st Class, Araria/concerned Court below where the case is pending in connection with Complaint Case No. 2618 C 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. 3,000/- 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.

(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.)

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