

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70709 of 2023**

Arising Out of PS. Case No.-230 Year-2021 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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Rakesh Kumar, son of Gyan Prasad, Resident of Village-Rasulpur P.S.- Purani Basti, Dist- Basti (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Manisha Devi, D/o Nirmal Soni, Wife of Rakesh Kumar, resident of Village-Narainapur Ghat Ward No-8, P.S.- Bagaha (Pathkhauli) Dist- West Champaran.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kr. Singh No. 1, Advocate  
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      27-02-2024                      Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State as well as learned counsel appearing on behalf of the opposite party No.2/wife.

2. The accused/petitioner is named in the complaint and apprehending his arrest in connection with Complaint Case No. 230 of 2021 in which cognizance has been taken for the offences punishable under Sections 323, 498-A read with 34 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 inquiry 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 petitioner as a good gesture is ready to pay Rs. 3,500/- as an *ad-interim* maintenance amount to O.P. No. 2/wife without fail before 7<sup>th</sup> day of every english calendar month, till disposal of the present case before Learned Trial Court.

5. Learned APP duly assisted by learned counsel for the informant 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. 3,500/- to O.P. No. 2/wife, 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 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-3rd, Bagaha, West Champaran/concerned Court in connection with



Complaint Case No. 230 of 2021 (Tr No.240 of 2023), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 3,500/- as an *ad-interim* maintenance amount to O.P. No. 2/wife on or before 7<sup>th</sup> day of English calendar month. Payment for the month of February be made in cash, at the time of furnishing bail bonds, 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 the 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) Payment under aforesaid *ad-interim* maintenance shall be adjusted against final order of Family Court.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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