

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79161 of 2023

Arising Out of PS. Case No.-680 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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RAJ KUMAR THAKUR SON OF RAMPUKAR THAKUR RESIDENT OF
VILLAGE - RATAN, P.S. - BAKHARI, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NAMITA KUMARI WIFE OF RAJKUMAR THAKUR RESIDENT OF
VILLAGE - RATAN, WARD NO.6, P.S. - BAKHARI, DISTRICT -
BEGUSARAI. AT PRESENT D/O. KARU THAKUR, RESIDENT OF
VILLAGE - NAYA RAMNAGAR, VISHNUNAGAR, P.S. - MUFFASIL,
DISTRICT - BEGUSARAI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rachna Chauhan, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 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 petition and
apprehending his arrest in connection with Complaint Case No.
680 C of 2022 registered for the offences punishable under
Section 498 A and 323 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 decided to dissolve his



marriage, in view of allegation as raised through para no. 4 of the complaint petition. 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. 1,500/- 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 Family Court, qua maintenance, if any.

5. Learned APP duly assisted by learned counsel appearing on behalf of O.P. No. 2, while opposing the prayer for bail submitted that O.P. No. 2 is also desirous to dissolve her marriage with petitioner and for said purpose, a divorce petition no. 152 of 2022 was brought by O.P. No. 2, which is pending before learned Family Court, Saharsa.

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. 1,500/- to O.P. No. 2/wife, till disposal of the case, where parties appears agreed upon to dissolve their marriage by way of divorce, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court 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 Sub-Divisional Judicial Magistrate/concerned Court where the case is pending in connection with Complaint Case No. 680 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.

1,500/- 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 March be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of April onward 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.

(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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