

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79358 of 2023

Arising Out of PS. Case No.-268 Year-2022 Thana- COMPLAINT CASE District- Supaul

Jai Krishna Sharma @ Jai Kishan Sharma S/O Varish Lal Sharma R/O
Village- Maladh, P.S- Kishanpur, Distt.- Supaul.

... .. Petitioner/S

Versus

1. The State of Bihar
2. Kavita Devi W/O Jai Krishna Sharma @ Jai Kishan Sharma, D/O Madan Sharma R/O Village- Maladh, P.S- Kishanpur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr. Kuldeep Kumar, Advocat
For the State	:	Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-03-2024 1. Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing for the opposite party no. 2 and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in complaint and apprehending his arrest in Complaint Case No. 268C of 2022 in which cognizance has been taken for the offences punishable under Section 498 A of the Indian Penal Code.

3. The allegation against this petitioner, who is



husband, is to commit mental and physical cruelty upon
O.P. No. 2/wife.

4. Learned counsel appearing on behalf of the petitioner submitted that out of certain family disputes O.P. No. 2 left the house of petitioner by deserting him and since then she is living with her parents. It is submitted that O.P. No. 2 stated herself during enquiry that she is desirous to live with petitioner and as a matter of good gesture, petitioner is ready to keep her in his parental house and also pay cash of Rs. 7000/- as an ad-interim maintenance on monthly basis till pendency of case before the learned trial court or finding of competent Family Court *qua* maintenance in issue. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing for the complainant opposes the prayer of bail.

6. Considering the aforesaid facts and



circumstances as the petitioner is ready to pay ad-interim maintenance to O.P. No. 2, coupled with the fact that petitioner is also ready to keep her in his parental house, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial 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 S.D.J.M., Supaul/concerned Court, where the case is pending in connection with Complaint Case No. 268C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions:-

“(i) That petitioner shall pay Rs. 7,000/- as an ad-interim maintenance to O.P. No. 2/wife on or before 7th day of English calendar month till finding of Family Court regarding maintenance issue.

(ii) That 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 onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his expenditure.

(iii) That 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.”

(Chandra Shekhar Jha, J)

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