

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.33968 of 2020**

Arising Out of PS. Case No.-292 Year-2019 Thana- BHOJPUR COMPLAINT CASE  
District- Bhojpur

Dr. Navin Kumar @ Navin Kumar Singh, aged about 40 years, (Male), son of late Ravindra Singh, resident of village- Jalpura, P.O.- Sripalpur, P.S.- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi, W/o Navin Kumar Singh, resident of village- Jalpura, P.S.- Koilwar, District- Bhojpur, at present daughter of Arun Kumar Singh, resident of Shivpur Anand Nagar Ara, P.S.- Ara Town, District- Bhojpur.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate with Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhay, APP
For the OP No. 2	:	Mr. Pankaj Kumar Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 02-09-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel along with Ms. Vaishnavi Singh, learned counsel for the petitioner; Mr. Jharkhandi Upadhay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Pankaj Kumar Sinha, learned counsel for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with Complaint Case No. 292-C of 2019 dated 03.05.2019, instituted under Sections 498-A of the Indian Penal Code.



4. The petitioner is the husband of opposite party no. 2, who is the complainant also. As the matter related to matrimonial dispute and there are two children born out of the wedlock, the Court had made efforts for amicable settlement of the dispute. However, despite the best efforts of learned counsel for the parties, a mutually acceptable settlement did not emerge. The Court also had the opportunity of hearing at length the petitioner and the opposite party no. 2 on two occasions.

5. On the last date, the matter was adjourned to enable the parties to take a final stand in the present case.

6. The informant, because of her past experience, has taken a stand that she and her children would not be safe in the matrimonial home and moreover, she would not be mentally at ease and her life would be hell and, thus, she could not return to the matrimonial home. She has further submitted that despite there being a direction to pay certain amount from his salary to the opposite party no. 2, he has defaulted for many months. The petitioner, on this point, had submitted that due to some reason, the amount which was to be directly cut from his salary and paid to the opposite party no. 2, was not done for some months, but he undertook to make up-to-date payment of the entire outstanding dues within two weeks from today.



7. In the aforesaid background, the matter was adjourned so that the opposite party could think over the matter and take a definite stand. Today, learned counsel for the opposite party no. 2 submitted that he would not oppose the prayer for anticipatory bail of the petitioner, but conditions be put that he pays the amount which he is required to pay, within time, every month.

8. On a response from learned counsel for the petitioner, a clear cut and categorical stand was taken that up-to-date arrears shall be cleared by 20<sup>th</sup> of this month and thereafter by the 10<sup>th</sup> of every successive month, the amount shall be paid to the opposite party no. 2 by the petitioner, either through direct transfer/debit from his salary or by depositing it in the account of the opposite party no. 2.

9. Learned counsel for the opposite party no. 2 submitted that the Court may also clarify the situation, inasmuch as, the amount which is required to be paid by the petitioner every month to the opposite party no. 2, which is 35% of his salary and total emoluments, is more than what has been stated in the petition.

10. Learned counsel for the petitioner submitted that as per the order, no amount has been specified and only 35% of



the total salary and emoluments of the petitioner are required to be paid to the opposite party no. 2 and, thus, the amount may differ, but the order requiring payment of 35% of the salary and emoluments shall be strictly complied with.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is inclined to grant pre-arrest bail to the petitioner.

12. Accordingly, in the event of arrest or surrender before the Court below, within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned learned Judicial Magistrate, 1<sup>st</sup> Class, Bhojpur at Ara, in Complaint Case No. 292-C of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, (iii) that the petitioner shall cooperate with the Court and the police/prosecution and (iv) that the petitioner, by 20<sup>th</sup> September, 2021, shall clear all arrears of whatever he is required to pay in terms of the order of the Court below till



August, 2021, and thereafter by 10<sup>th</sup> of the successive month such payment shall be made by the petitioner to the opposite party no. 2; if not directly transmitted after cutting it from the salary and emoluments paid to the petitioner, then it should be done by the petitioner himself, but the deadline should be strictly adhered to. Any violation of the terms and conditions of the bonds or the undertaking or default in making payment, as stipulated, would lead to cancellation of the bail bonds of the petitioner.

13. It shall also be open for the prosecution and the opposite party no. 2 to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

14. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

J. Alam/-

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