

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58847 of 2019**

Arising Out of PS. Case No.-235 Year-2019 Thana- HILSA District- Nalanda

Abhishek Kumar, Son of Late Dinkar Prasad, Resident of House No.-148,  
Road No. - 18, Pragati Nagar, Reesali Bhilai, P.S. - Newai, District - Durg.  
Chhatisgarh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Mritunjay Narain, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      18-09-2019                      This is an application for grant of anticipatory bail in connection with Hilsa P.S. Case No. 235 of 2019, disclosing offences under Sections 323, 504, 506, 498A, 34 of the Indian Penal Code.

Allegation against the petitioner is of subjecting the complainant with respect to demand and also tried to kill by strangulating her but anyhow she escaped.

Submission of the learned counsel for the petitioner is that complainant is not ready to reside with him and as such, she has filed a divorce case and only after the knowledge of the divorce case, she has filed the present case.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2/complainant also, who has submitted that she is still ready to live with the petitioner, if she is allowed to



live with dignity and care.

Having heard both sides, however, on perusal of the impugned order, it appears that learned Sessions Judge has tried to reconcile between the parties and the petitioner has also ready to keep her but thereafter, he was not appearing before the learned Sessions Judge and as such, reconciliation failed. The above conduct of the petitioner is itself for rejecting the prayer for bail. However, considering the fact that the matter relates to the marital dispute between the parties, in which, there is always a chance of settlement between the parties and as such, taking a lenient view of the matter, let the petitioner, above named, surrender before the learned court below within a period of four weeks from the date of receipt of certified copy of this order on condition that he will pay Rs.3000/- per month to the opposite party no.2 for a period of one year. During that period, it is expected that opposite party no.2 shall file an application before the learned Family Court for grant of maintenance, in which, on personal service of notice to the petitioner, he will appear and co-operate in disposal of the same and further condition is that he will abide by any interim or final order passed by the Family Court with respect to maintenance, unless the same is modified or set aside by any higher court.



On the above conditions, the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M., Hilsa, in connection with Hilsa P. S. Case No. 235 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the aforesaid, this application is disposed of.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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