

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13456 of 2022

Arising Out of PS. Case No.-745 Year-2021 Thana- KAHALGAON District- Bhagalpur

MITISH BHARTI @MITISH BHARTI PODDAR S/O SATISH PODDAR
Resident of Morya Nagar Colony, Salepur, P.S.- Habibpur, District-
Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari D/o Manohar Sharma R/o village- Sikargarh Tola, Near Kela
Arahat, Ward No. 7, P.S.- Kahalgaon, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Kahalgaon P.S. Case No. 745 of 2021 registered for the
offences punishable under Sections 498A and other allied
sections of the Indian Penal Code and $\frac{3}{4}$ of the Dowry
Prohibition Act.

Learned counsel for the petitioner has himself offered
to pay a sum of Rs. 5,000/- (Rupees Five Thousand) as



maintenance amount per month for his wife.

In view of the *bonafide* submission of the petitioner and also in view of the recent judgement of Apex Court passed in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, his prayer for grant of anticipatory bail is allowed.

The maintenance amount shall be transferred into the bank account of the opposite party No. 2 on or before the 10th of every month. The maintenance amount of Rs. 5,000/- for the month of May, 2022 shall be transferred in the Bank Account of the opposite party No. 2 by the 31st of this month. The details of the bank account of the opposite party No. 2 shall be furnished by the learned counsel appearing for the opposite party No. 2 in the Court below to the learned Advocate appearing on behalf of the petitioner. Any default in payment of the aforesaid maintenance amount will result in automatic cancellation of the bail bond of the petitioner. This order of maintenance is subject to any order of maintenance passed by a competent Family Court in future.

The bail bond of the petitioner will be accepted only after he starts paying maintenance of Rs. 5,000/- (Five Thousand) per month.



If there is any maintenance case pending before any Court, the Court below shall dispose of the same within six months from today. If the petitioner avoids appearance in the maintenance case, if any, the Principal Judge, Family Court will proceed *ex parte*.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No. 745 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

With the aforesaid observations and directions, the present anticipatory bail application is allowed.

(Sandeep Kumar, J)

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