

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20140 of 2022

Arising Out of PS. Case No.-811 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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NIRBHAY KUMAR MISHRA Son of Ghanshyam Mishra Resident of
Village - Dharmakata, P.S.- Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHASHIBALLA DEVI D/o Late Amar Pandey Resident of Village - Jaini
Tola, P.O.- Belwamore, P.S. - Bathwariya, District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Ms. Renuka Ratnakar, APP
For the Informant/s	:	Mr. Vijay Kumar Singh No.1 Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of
the Indian Penal Code and Section 3 and 4 of D.P. Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a husband.
Without going into the merits of the case, the learned counsel
for the petitioner on instruction submits that he has already filed
a divorce case and the same is pending adjudication but during
pendency of the divorce case he is willing to maintain the
informant and thus is ready to pay an amount of Rs. 7,000/- per



month commencing from November 2022.

Learned counsel for the informant also on instruction submits that the informant does not oppose the anticipatory bail application of the petitioner provided the petitioner pays an amount of Rs. 7,000/- by way of monthly maintenance. The learned counsel for the informant next submits that he will Whatsapp the account number of the informant on the Whatsapp number of the learned counsel for the petitioner, the learned counsel for the petitioner submits that he will immediately Whatsapp the said account number to the petitioner or will inform him, in case if the petitioner is not having a Whatsapp, further the moment the account number is made known to the petitioner the payment will start.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 811 of 2019 subject to the conditions as laid down under Section



438 (2) of the Cr.P.C.

At this state, the learned counsel for the petitioner submits that he will start paying the maintenance from the month of November 2022 and thereafter in between 1-15 of every month commencing from December, the maintenance amount would be paid regularly in the account of the informant till maintenance is not fixed by a Court of Competent Jurisdiction to which the learned counsel for the informant agreed.

Further, in the event, if any application is filed by the informant before the learned trial court bringing to its notice that the informant has not paid the maintenance amount consecutively for two months, the learned trial court shall cancel his bail bonds after giving him an opportunity of hearing.

(Satyavrat Verma, J)

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