

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25415 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- MAHILA P.S. District- Samastipur

ABHIJEET KUMAR SINGH @ SONU SINGH Son of Sudisht Prasad Singh
Resident of Village - Bochaha, P.S.- Mohiuddin Nagar, District - Samastipur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
341, 323, 504/34 of the Indian Penal Code and Sections 3 and 4
of the Dowry Prohibition Act.

Learned counsel for the petitioner at the outset
submits that he has instruction to make submission that
petitioner is willing to pay an amount of Rs.6,000/- per month to
the informant for maintenance of the child as the learned
counsel submits that the informant was married from before and
her marriage with Prashant Kumar Choudhary was not annulled
and thereafter this case came to be instituted wherein the



informant alleges that petitioner performed marriage with her and out of the wedlock a child was born. It is further submitted that petitioner never married with the informant as she was already married to Prashant Kumar Choudhary and till date she has not obtained divorce from him, as such, the marriage could not have been legal. It is next submitted that since the informant is alleging that out of the relationship a child was born, as such, for the present the petitioner is not coerced to make the said payment for maintaining the child.

Learned counsel for the informant submits that though the petitioner is disputing the factum of marriage but the petitioner and the informant performed their marriage and the petitioner was completely aware that the informant from before was married to Prashant Kumar Choudhary but is not able to meet the submission of the learned counsel for the petitioner that till date the informant has not obtained divorce from Prashant Kumar Choudhary.

Learned counsel for the informant undertakes to send the bank account number of the informant on the Whatsapp of the learned counsel appearing for the petitioner.

Learned counsel for the petitioner submits that the moment he will receive the bank account number of the



informant he will Whatsapp the same to the petitioner and the payment will commence from the Month of November, 2022 and thereafter in between 01-15 of every month commencing from December, 2022, the payments as agreed for maintaining the child will be made regularly to which learned counsel for the informant agrees.

At this stage, learned counsel for the petitioner submits that this maintenance amount will be subject to the maintenance fixed by a Court of competent jurisdiction, to which also learned counsel for the informant agrees.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Court below 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 each to the satisfaction of the learned court below where the case is pending/successor court in connection with Women (Mahila) P.S. Case No. 36 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



In the event, if the informant brings to the notice of the learned trial court that the petitioner for two consecutive months has not deposited the monthly maintenance as agreed, the learned trial court shall forthwith cancel his bail bond and all coercive steps shall be taken so that petitioner is behind the bar.

(Satyavrat Verma, J)

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