

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47966 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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GAUTAM KUMAR SHARMA Son of Shyamakant Sharma C/o Gulshan
Singh R/V- Mashakchak, Ghantaghar, P.S- Adampur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Rani @ Kaju D/o Gauripur R/O P.S- Bihpur, Distt- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

Learned counsel for the petitioner submits that notices in compliance of the order dated 20.09.2022 were filed by both modes which have been received by the mother of Opposite Party No. 2 as would be evident from service report as such the notices have been served validly. Learned counsel submits that despite service of notices on the mother of Opposite Party No. 2, it appears that the Opposite Party No. 2 chooses not to



contest.

Learned counsel for the petitioner submits that petitioner is the husband of Opposite Party No.2 and he has already filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and thus he wants that his wife should come back and live with him but for reasons best known, the informant has chosen not to appear, it is next submitted that being husband, petitioner is aware of his responsibilities and as such, based on instruction, it is submitted that till a court of competent jurisdiction adjudicates the amount of maintenance, if any filed by the informant, the petitioner will continue depositing Rs.3,000/- per month in the bank account of the informant by way of maintenance.

Learned A.P.P. for the State submits that since informant has not appeared then how will it be presumed that the petitioner is depositing money or how the informant will come to know that the petitioner has agreed for paying an amount of Rs.3,000/- per month towards maintenance.

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 Complaint Case No. 22 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court through the learned lawyer appearing on behalf of the informant will get this order communicated to the informant and thereafter will require the informant to furnish her bank account number before the learned trial court itself and the same would be handed over to the learned lawyer representing the petitioner there, once the bank account number of the informant is made available to the petitioner, the payment of maintenance amount will commence. It is clarified that even if the account number is furnished at a subsequent date, still the maintenance will have to be paid from December 2022.

Further, in the event, if the informant files an application before the learned trial court bringing to its notice that the petitioner despite agreeing to pay the maintenance, as aforesaid, has not paid the maintenance amount for two consecutive months, then the learned trial court after hearing the



petitioner shall pass orders in accordance with law and shall also
be entitled to cancel his bail bonds.

(Satyavrat Verma, J)

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