

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8555 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- RAJIVNAGAR District- Patna

SUMEET RAJ MUKHERJEE @ SUMIT RAJ MUKHERJE @ SUMIT RAJ MUKHARJEE @ SUMIT RAJ MUKHERJEE SON OF KALALCHAND MUKHERJEE @ KALACHAND MUKHARJEE RESIDENT OF EAST OF GAYATRI COMPLEX PS RAJIV NAGAR, DISTRICT- PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manju Devi W/o- Sumit Raj Mukherjee Resident of Mohalla - Jay Prakash Nagar, Road No. -04, (In the house of Laxman Prasad), P.S. - Rajeev Nagar, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Kamlesh Kumar Pathak, Adv.
For the Opposite Party/s :	Mr.Tarun Prasad Mandal, APP
	Ms.Mira Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 31-01-2022 Heard learned counsel for the parties through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered under section 498(A)/34 of the IPC.

Allegation against the petitioner is that he being the husband of the informant does not provide any maintenance to his wife, who lives separately on rent with her daughter having no source of income.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never solemnized marriage with the informant



and has been falsely implicated in the present case to extort money. There is general and omnibus allegation against the petitioner. The petitioner has relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006 (3) PLJR 182.***

In that view of the matter, let the petitioner, named above, in the event of his arrest/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.25,000/- (Rupees Twenty 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 Rajeev Nagar P.S. Case No.181 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.5000/- (Rupees Five Thousand) per month to opposite party no.2 in the second week of every month for a period of one year, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that if the petitioner fails to pay the aforesaid amount on three consecutive months, opposite party



no.2 shall be at liberty to move before the learned Court below for cancellation of the bail bond of the petitioner.

It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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