

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71819 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- INARWA District- West Champaran

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UMESH KUMAR @ OM PRAKASH @ OM PRAKASH KUMAR GUPTA
SON OF KEDAR PRASAD RESIDENT OF VILLAGE- JAGDISHPUR, P.S-
JAGDISHPUR, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAVITA DEVI D/O SANJAY PRASAD RESIDENT OF VILLAGE-
PIDARI, P.S- INRAWA, DIST- WEST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 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 Inarwa P.S. Case No. 61 of 2021 registered for the offences

punishable under Sections 498A and other allied sections of

the Indian Penal Code and Section 3/4 of the Dowry Prohibition

Act.

It has been submitted by the learned counsel for the

opposite party No. 2 that the petitioner has re-married and,



therefore, there is no chance of any settlement between the parties.

Learned counsel for the petitioner has himself offered to pay a sum of Rs. 10,000/- (Rupees Ten 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 date of every month. The maintenance amount of Rs. 10,000/- for the month of May, 2022 shall be transferred in the Bank Account of the opposite party No. 2 by the 31st day 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. 10,000/- (Ten Thousand) per month.

If there is any maintenance case pending before any Court, the Court below shall dispose of the same within three 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, West Champaran, Bettiah, in connection with Inarwa P.S. Case No. 61 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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