

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7017 of 2022**

Arising Out of PS. Case No.-16 Year-2021 Thana- MAHILA P.S. District- Patna

NIRAJ KUMAR Son of Arunesh Kumar Dutta Verma Resident of H. No. -15
Income Tax Colony, Bhootnath Road, B.H. Colony, Post- Bahadurpur, P.S. -
Agamkuan, Distt. - Patna- 800026, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

11 03-07-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 504 and 506/34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that petitioner being the husband of the informant has been falsely implicated in the present case, is a person with clean antecedent and was in a government job but in the nature of allegation as alleged in the FIR he had no option but to submit his resignation from the government job and his resignation stands accepted. Leaned counsel further submits that petitioner has been alleged to be sleeping around with his mother, this in itself is such a



heinous allegation that no son could ever imagine or think of. It is next submitted that since the allegations were such that it had literally degraded the status of the petitioner in the society as such he had no option but to tender his resignation. It is also submitted that a person who is doing a government job and if he has to resign merely because his wife files an application under Section 489(A) of the Indian Penal Code read with other sections that in itself demonstrates the kind of trauma through which the petitioner was undergoing.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that even the mediation has failed and the informant despite obtaining an ex parte order of maintenance of Rs.10,000/- (rupees ten thousand) still the maintenance amount is not being paid but does not dispute that the petitioner has resigned from the government job.

Learned counsel for the petitioner submits that the order of maintenance is ex parte and he will seek his remedy available in law.

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 Mahila P.S. Gardanibagh Patna Case No. 16 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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