

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23808 of 2023

Arising Out of PS. Case No.-204 Year-2022 Thana- RASULPUR District- Saran

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Sachin Singh @ Sachin Kumar Singh @ Pappu S/O Janardan Singh R/O
Village- Pakhrera, P.S- Pachrukhi, Distt.- Siwan, 841241

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari W/O Sachin Singh @ Sachin Kumar Singh @ pappu, D/O
Anil Singh R/O Village- Jogia, P.S- Rasulpur, Distt.- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	None

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-08-2023 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State. No one appears on behalf of the

informant.

2. The petitioner apprehends his arrest in connection

with Rasulpur P.S. Case No. 204 of 2022 registered for the

offences punishable under Sections 341, 323, 504, 506, 379,

498(A) and 34 of the Indian Penal Code and Section 3/4 of the

Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the

petitioner is a person with clean antecedent and being husband

he has been falsely implicated in the present case, it is next

submitted that the marriage was performed in the year 2017 but



out of the wedlock no child was born as such that led to disruption of family life, it is also submitted that the petitioner filed a divorce case being Case No. 60 of 2022 pending in the court of learned Principal Judge Family Court, Siwan. Learned counsel further submits that the present case came to be instituted after the divorce case was filed, it is thus submitted that he is not in a position now to revive his conjugal relationship but will proceed with the divorce case, it is next submitted that one of the essential ingredients of marriage is procreation and the grounds on which the divorce is being sought is that they have remained issueless for five years after marriage.

4. Learned counsel for the petitioner, at this stage, submits that he also has instruction to make submission that he will pay an amount of Rs. 4,000/- per month towards maintenance to the informant which shall commence from 01.09.2023.

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

6. 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 Rasulpur P.S. Case No. 204 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the informant would be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if the petitioner for two consecutive months does not pay maintenance amount, as agreed.

(Satyavrat Verma, J)

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