

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24740 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA P.S District- West Champaran

SHUBHAM KUMAR @ KUMAR SHUBHAM SON OF BIRENDRA
TRIPATHI Resident of village - Haripur Shukla Tola Sikta, P.S. - Sikta, Distt.
- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari Wife Of Shubham Kumar And D/O Kamta Mishra Resident of village - Haripur Shukla Tola Sikta, P.S. - Sikta, Distt. - West Champaran, at present residing at village - Banuchhapar Navin Colony in the house of Sunil Kumar Shrivastava, P.S. - Bettiah Muffasil (Banuchhapar O.P.), Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP
For the Informant : Mr. Deovind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bettiah Mahila P.S. Case No. 11 of 2022 registered for the offences punishable under Sections 498(A), 307, 316, 341, 323, 379, 354(A), 354(B), 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that it is not possible to revive the conjugal relationship as the informant, apart from falsely implicating him, has also implicated his old father alleging that he attempted to commit rape, it is next



submitted that petitioner was working in Delhi but on account of institution of the present case, he had to leave his job and is presently staying at village Haripur, in the district of West Champaran with his parents, it is further submitted that since his father was also implicated in the present case, as such he has also filed an application seeking anticipatory bail which was allowed with a condition that he will keep paying Rs. 5,000/- by way of maintenance to the informant, it is further submitted that since petitioner is presently jobless and is not in a position to pay any amount of maintenance as such his father accepted and is paying the amount of maintenance of Rs. 5,000/- per month to the informant. Learned counsel further submits that divorce case being Divorce Case No. 48 of 2022 has been filed by the petitioner which is pending adjudication in the court of learned Principal Judge, Family Court, West Champaran, Bettiah.

4. Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but is not in a position to rebut the submission of the learned counsel for the petitioner that the informant is accepting the amount of maintenance of Rs. 5,000/- per month which is being paid to her by the father of the petitioner.

5. 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 Bettiah Mahila P.S. Case No. 11 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the informant would be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner before this Court, in the event, if the maintenance amount which is being paid by the petitioner's father is not credited or paid to the informant for two consecutive months.

(Satyavrat Verma, J)

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