

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28005 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- MAHILA P.S. District- Saran

VISHWAJIT KUMAR SRIVASTAVA @ PANKAJ KUMAR SRIVASTAVA
Son of Late Maheshwar Prasad Srivastava R/V- Haraji, PS- Awatarnagar, Dis-
Saran

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Kumari @ Soni Devi Wife of Vishwajit Kumar Srivastava @ Pankaj Kumar Srivastava, Daughter of Yogendra Prasad Srivastava R/V- Amnour Harnarayan PS- Amnour, Dist- Saran

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Rananjay Kumar, Advocate
For the State	:	Mr.Yogendra Kumar Singh, APP
For the O.P. No. 2	:	Mr. Md. Anis Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner, learned counsel for the complainant- O.P. No. 2 as also learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mahila P.S. Case No.- 65 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506, 498(A) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the marriage between the petitioner and the O.P. No. 2 was solemnized on 26.04.2021 but on account of matrimonial



discord, the marriage has failed. The allegation is that the petitioner tried to kill the complainant by burning her in the room. However, the fact is that no such attempt was made and no injury has been caused to the informant.

4. It is submitted that earlier the matter was referred for mediation between the parties but the mediation also failed. In order to show his bonafide, learned counsel for the petitioner submits on instruction that the petitioner would appear in the maintenance case which has been filed by the informant- O.P. No. 2 but for the time being, he offers to pay a sum of Rs. 3000/- per month to the O.P. No. 2 and such payment shall be made subject to the result of the decision of the learned Family Court in the maintenance case.

5. Learned counsel for the informant has though opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant- O.P. No. 2 submits that due to the behaviour of the petitioner, the matrimonial life of the O.P. No. 2 has been ruined and now she is also looking for a settlement as it is not possible to live with the petitioner. She has filed a maintenance case in which notice has been served upon the petitioner but he is not putting appearance and thereby he is delaying the award of maintenance to the informant which is an



another act of cruelty.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the facts and circumstances of the case, the nature of dispute between the parties, the developments in which they are looking for settlement and at this stage, the petitioner has himself offered to pay a sum of Rs.3000/- per month as maintenance to O.P. No. 2 subject to any other or further order of the learned Family Court in the maintenance case, there being no injury to the informant, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be released on bail in connection with Mahila P.S. Case No.- 65 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra, District- Saran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and that the petitioner shall appear before the Investigating Officer of the case, join the investigation and cooperate in course of investigation and further condition that in terms of his own offer, he would pay a sum of Rs. 3000/- per month within first



ten days of every month in the bank account of O.P. No. 2 directly in the bank/ post office savings account of the informant. The informant shall make available her account number to the petitioner at the earliest. This would be subject to the order of the learned Family Court in case of failure of the petitioner to comply with this condition, it would open for the O.P. No. 2 to apply for cancellation of bail.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9.This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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