

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28524 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Brahmdev Pandit Son of Jagdev Pandit Resident of Village - Mesaudha, P.S. - Kundwachainpur, District - East champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi Daughter of Shambhu Pandit Resident of Village- Shitalpatti, P.S. - Chiraiya, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 17-07-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 323 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that *vide* order dated 18.10.2022, notices were issued upon the Opposite Party No.2, it is next submitted that the Office reported that the notices were received by the father of the O.P. No.2., it is further submitted that an application of jointness has been filed wherein it has been specifically pleaded that the O.P. No.2 is residing with her father. Learned counsel further submits that it appears



that despite receiving notice, the complainant is not willing to contest the case, it is next submitted that the petitioner being husband has been falsely implicated in the present case, it is further submitted that petitioner is still willing to take back the complainant as his wife and will keep her with honour and dignity. Learned counsel next submits that petitioner will pay a monthly maintenance of Rs. 2,500/- till a court of competent jurisdiction does not fix the maintenance, it is further submitted that the maintenance will commence from 27.07.2023 and the petitioner will try to find out the bank account number of the complainant so that the maintenance, as agreed, commences from 27.07.2023.

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

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 Complaint Case No.



C-71 of 2021 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

However, it is made clear that the complainant would
be at liberty to file an application seeking cancellation of the
anticipatory bail granted to the petitioner, in the event, if the
petitioner does not deposit the amount, as agreed, consecutively
for two months in her account.

(Satyavrat Verma, J)

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