

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58037 of 2022

Arising Out of PS. Case No.-181 Year-2019 Thana- JANTA BAZAR District- Saran

Surendra Rai @ Surendra Kumar Rai, Son Of Babua Prasad Rai R/V-
Siristapur, P.S- Janta Bazar Dist- Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Surendra Rai , Daughter of Ram Balak Rai R/V-
Chapiya, P.S- Ekma, Dist- Saran (Chapra)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 147,
323, 379, 498(A) of the Indian Penal Code and Section 3/4 of
the I.P.C.

The learned counsel for the petitioner submits that
notices were issued on opposite party no.2, but despite service
of notice, she has chosen not to appear and contest the case.

It is next submitted that the opposite party no.2 had
instituted the present case under Section 498-A of the I.P.C. and
petitioner is the husband. It is further submitted that even from



perusal of the allegation as alleged in the F.I.R., it would manifest that no serious allegation has been alleged and the allegations are general and omnibus in nature. It is next submitted that a supplementary affidavit has been filed wherein it has been specifically averred that the petitioner is willing to pay an amount of Rs.2100/- per month to the opposite party no.2 towards her maintenance as he is earning Rs.8700/- per month.

The learned counsel for the petitioner next submitted that he will start paying the maintenance to the informant as agreed in between 01st to 07th of every month commencing from June, 2023, till the amount of maintenance is not fixed by a Court of competent jurisdiction. The learned counsel for the petitioner next submits that petitioner will try to get the bank account number of the informant and in the event, if he does not get the bank account number of the informant, then he will start depositing the amount in the Nazarat of the learned District Court from where the informant can receive her money in accordance with law. It is also submitted that the day informant will supply her account number to the petitioner from that day, the petitioner will start depositing the said amount in her account as agreed.



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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Chapra, Saran in connection with Janta Bazar P. S. Case No.181 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, In the event, if the petitioner does not deposit the amount as agreed either in the bank account of the informant or in the Nazarat, as the case may be for two consecutive months, the informant shall be at liberty to file an application seeking cancellation of the anticipatory bail application of the petitioner.

With the aforesaid observation and direction, the application stands disposed off.

(Satyavrat Verma, J)

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