

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1447 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- SULTANGANJ District- Patna

SAMARJIT SINGH Son of Guruseva Singh R/o Flat No. 103, Neha Kunj
Apartment, Ghagha Ghat P.S.- Sultanganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHHAYA KUMARI Wife of Samarjit Singh R/o Flat No. 103, Neha Kunj
Apartment, Ghagha Ghat P.S.- Sultanganj, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Sultanganj PS case no. 128 of 2022,
registered for the offences punishable under Section 498(A)
and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that the
informant had got married with the petitioner in the year 2003
and out of the said wedlock, two children have been born,
however the petitioner used to torture her and her children
regularly. It is alleged that earlier also, a case was lodged by
the informant, however, the same was compromised but again



the petitioner started inflicting cruelty upon the informant and her children, since he is a habitual drunkard, and his demand for money, for the purposes of fulfilling his desire for drinking liquor, was not fulfilled.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is ready and willing to keep his wife and children with due honour and dignity but the bone of contention is the flat which is in the joint name of the petitioner and the informant, nonetheless, it is submitted that the petitioner is ready and willing to pay Rs. 5,000/- per month by way of maintenance to his wife and children for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State as also the learned counsel appearing for the informant have vehemently opposed the prayer for bail but are not averse to the idea of the petitioner paying a sum of Rs. 5,000/-, by way of maintenance to the informant and her children every month, subject to the liberty being reserved to the informant to take recourse to such other remedies, as are otherwise available under the law. At this juncture, the learned counsel for the



informant has submitted that since the petitioner regularly tortures and assaults the informant and her children, they are not ready to live with the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that though conciliation is not possible in between the parties but the petitioner is ready and willing to pay a sum of Rs. 5,000/- per month as maintenance to the informant and her children by depositing it in the account of the informant, starting from this month itself, though I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail upon the petitioner producing the proof of payment of a sum of Rs. 5,000/- to the informant for the month of May, 2023, however, subject to the condition that in case in future, there is any default in payment of the aforesaid amount of maintenance, the present privilege of anticipatory bail being extended to the petitioner shall stand cancelled and the petitioner would be taken into custody forthwith, upon appropriate complaint being made by the informant before the learned trial court.

Accordingly, the abovenamed petitioner, in the event



of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Patna City in connection with Sultanganj PS case no. 128 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure, however subject to fulfillment of the aforesaid conditions.

(Mohit Kumar Shah, J)

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