

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3908 of 2023

Arising Out of PS. Case No.-161 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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GAURAV RAI @ GAURAV KUMAR @ GABBAR @ GABBAR RAI S/O
BALO RAI Resident of Village- Marthua, P.S.- Bidhan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHOBHA DEVI W/O GAURAV RAI @ GAURAV KUMAR @ GABBAR
@ GABBAR RAI Resident of village- Marthua, P.S.- Bidhan, District-
Samastipur, at present R/o Village- Phulwaria, P.S.- Phulwaria, District-
Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav
For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 30-04-2024 1. Heard learned counsel for the petitioner and learned

APP for the State along with learned counsel appearing on

behalf of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A of the

Indian Penal Code.

3. Learned counsel for the petitioner submits that the

relationship in between the petitioner and the O.P. No. 2 has

deteriorated to an extent where it is not possible to revive the

conjugal relationship, but then with passage of time, the parties

may reconcile. It is also submitted that no useful purpose would



be served by sending the petitioner to jail as future prospects of reconciliation will also become bleak, when petitioner is ready to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2 and the child. It is further submitted that petitioner is also a poor person and is differently abled.

4. The learned counsel appearing on behalf of the O.P. No. 2, also based on instruction, submits that since petitioner is ready to pay a monthly maintenance of Rs. 4,000/-, as such, the O.P. No. 2 is not opposing the anticipatory bail application. It is next submitted that he will *Whatsapp* the bank account number of the O.P. No. 2 on the *Whatsapp* number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance, as agreed, commences from 13.05.2024.

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 trial court 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 trial court where the case is



pending/successor court in connection with Complaint Case No. 161 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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