

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11904 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

Santosh Mahto S/O RAJENDRA MAHTO VILLAGE- MAHTHOR, PS.
MANIGACHHI, DIST. DARBHANGA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PHOOL DEVI W/O SANTOSH MAHTO VILLAGE- MAHTHOR,
PS.MANIGACHHI, DIST.DARBHANGA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Sagar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-07-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. 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 Sections 341, 323,

498A, 354(a), 504, 506 and 34 of the Indian Penal Code read

with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that

petitioner, being husband, has been falsely implicated in the

instant case by the informant. It is next submitted that out of the

wedlock, three children were born who presently are staying

with the petitioner and the relationship in between the petitioner



and the O.P. No. 2 has soured to an extent where it is not possible to revive the conjugal relationship, but then it is submitted, based on instruction, that petitioner is willing to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2.

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that since petitioner is ready to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2, as such, no useful purpose would be served by sending the petitioner to jail. It is also submitted that may be with passage of time and on intervention of well wishers, the parties may resolve their dispute.

5. Learned counsel appearing on behalf of the O.P. No. 2 submits that he will *Whatsapp* the bank account number of the O.P. No. 2 on the *Whatsapp* number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance, as agreed, commences from 22.07.2024.

6. 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. 10,000/- (Rupees Ten 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 Ghanshyampur P.S. Case No. 75 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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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