

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9548 of 2024

Arising Out of PS. Case No.-515 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SANTOSH PANDIT @ SANTOSH KUMHAR @ SANTOSH KUMAR Son
of Rampravesh Kumhar @ Ram Pravesh Pandit Resident of Village-Agrer
Kala, P.S.-Suryapura, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SITA KUMARI, Wife of Santosh Pandit @ Santosh Kumhar, D/o Daroga
Kumhar Resident of Village Agrer Kala, P.S.-Suryapura, District-Rohtas at
Sasaram. At present address Village-Rampur, P.O.-Kochas, P.S.-Kochas,
District-Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323 and 498-A of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 28.06.2022, it would
manifest that the same records that notice has been received by
the brother of the opposite party no.2.

4. Since the brother of the opposite party no.2 has
received the notice, as such, the notice is deemed to have been



validly served.

5. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case by the opposite party no.2. It is next submitted that this perhaps explains why the opposite party no.2, despite receiving notice, chooses not to appear and contest, on which the learned A.P.P. Sri Rabindra Kumar submits that it may a possibility that the opposite party no.2 be facing financial hardship, as such, she may not be in a position to approach this Court through a learned lawyer, on which the learned counsel appearing on behalf of the petitioner submits based on instruction submits that the petitioner, in order to establish his bonafide that he is still ready to restitute his conjugal rights, is ready to pay a monthly maintenance Rs.3500/- (Rs. Three Thousand Five Hundred) to the opposite party no.2, which shall commence from 22.07.2024, on which the learned A.P.P. submits that since petitioner is willing to pay a monthly maintenance of Rs.3500/-, as such, no useful purpose would be served by sending the petitioner to jail.

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 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in connection with Complaint Case No.515 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

9. It is further made clear that the present maintenance will stop, the moment maintenance is fixed by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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