

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17006 of 2024

Arising Out of PS. Case No.-319 Year-2022 Thana- COMPLAINT CASE District- Banka

Amar Poddar @ Amar Kumar Poddar S/O Sachidanand Thakur Mohalla-
Salepur Behind Balti Karkhana Chauk Shiv Mandir Maurya Nagar, Ps.
Majahidpur, Dist. Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nandni Devi D/O Nakiul Poddar Village- Kaushalpur, Ps. Amarpur, Dist.
Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : MS.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-10-2024 1. Heard learned counsel for the petitioner as well as
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 307, 342, 379, 498(A), 323, 504, 506 of the IPC and $\frac{3}{4}$
of the D.P. Act in connection with Complaint Case No.319 of
2022.
3. The learned counsel for the petitioner submits that
from perusal of the office report dated 04.10.2024 it would
manifest that both notices have been received by the mother of
O.P. No.2. Since notices have been received by the mother of
the O.P. No.2, as such it is deemed to have been validly served.
4. The learned counsel for the petitioner submits that



petitioner being husband has been falsely implicated in the instant case by the complainant with an allegation that she was married to the petitioner on 11.11.2019, further out of the wedlock a child was born, thereafter, the accused persons including the petitioner kept her well for a year, but thereafter, they started demanding motorcycle and on account of non-fulfillment of the demand she was abused and tortured and was tied for seven hours inside the house, further petitioner even tried to strangle her, but was saved by villagers, thereafter was ousted from her matrimonial home.

5. The learned counsel for the petitioner submits that petitioner being husband has been falsely implicated in the instant case. It is also submitted that petitioner is still willing to keep the O.P. No.2 and the child with honour and dignity. It is further submitted that it absolutely does not stand to reason that as to why the complainant is not willing to restitute her conjugal rights when from perusal of the allegation as alleged in the complaint, it would manifest that the same does not allege any serious allegations, rather allegations general, omnibus and ornamental in nature. It is also submitted that petitioner being husband is aware of his responsibility towards the O.P. No.2 and the child and is willing to pay a monthly maintenance of



Rs.5000/-, which shall commence from 14.10.2024. It is also submitted that may be with passage of time and on intervention of well wishers the parties may reconcile their dispute, but then no useful purpose would be served by sending the petitioner to jail.

6. The learned APP opposes the anticipatory bail application, but then fairly submits that since petitioner is willing to pay a monthly maintenance, as such no useful purpose would be served by sending him to jail and chances of future reconciliation will also get bleak.

7. 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 S.D.J.M., Banka in connection with Complaint Case No.319 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that if the petitioner does not pay the amount of maintenance as agreed for two consecutive months, in that event, 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.

9. The learned Trial court is directed to handover a copy of the order to the learned advocate representing the O.P. No.2 in the complaint for her perusal.

10. It is made clear that the present maintenance shall stop if maintenance is fixed by a court of competent jurisdiction.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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