

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7570 of 2024

Arising Out of PS. Case No.-509 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Ashish Kumar @ Vikky Son of Mahendra Prasad Yadav Resident of Village-
Kumaripur, P.S.-Manihari, Distt.-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akriti Nidhi D/O Mithilesh Kumar, wife of Ashish Kumar @ Vikky
Resident of village-Ramchandrapur, P.S.-Pranpur, Distt.-Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md Musowir
For the Opposite Party/s	:	Ms. Asha Kumari
For the O.P. No. 2	:	Mr. Bipin Kumar
		Mr. Bijay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-09-2024 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and the 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 498A and

494 of the Indian Penal Code read with Section 4 of the Dowry

Prohibition Act.

3. Learned counsel appearing on behalf of the

petitioner submits that the case was earlier taken up on

12.09.2024, when a submission was made on behalf of the

petitioner that petitioner is willing to restitute his conjugal rights



and he will go to the parental home of the O.P. No. 2 to fetch her back to her matrimonial home on 18.09.2024. The learned counsel further submits that petitioner had gone to the parental home of the O.P. No. 2 to fetch her back to her matrimonial home on 18.09.2024 and in support of the same, he has also videographed of his reaching the house of the O.P. No. 2, but then the house was locked and no one was present.

4. Learned counsel appearing on behalf of the petitioner next submits that it appears that O.P. No. 2 is not willing to restitute her conjugal rights or else she would have been present in the house on 18.09.2024 as the order was passed in presence of the learned counsel appearing on behalf of the O.P. No. 2. It is next submitted that petitioner, being husband, is aware of his responsibility and no useful purpose would be served by sending the petitioner to jail when he made endeavours to bring back the O.P. No. 2 to her matrimonial home, but then she was not present in the house. It is also submitted that with passage of time and on intervention of well wishers, the parties may resolve their dispute. It is next submitted that petitioner is willing to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2 which shall commence from 01.10.2024.



5. The learned counsel appearing on behalf of the O.P. No. 2 does not oppose the anticipatory bail application of the petitioner and submits that since petitioner is willing 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 if petitioner is sent to judicial custody, the chances of future reconciliation will get marred.

6. 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 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 01.10.2024.

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 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 C.A. Case No.



509 of 2022 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

8. 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.

9. **Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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