

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12032 of 2024

Arising Out of PS. Case No.-2797 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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Binod Kumar @ Binod Kunwar S/O Rabindra Nath Kunwar R/O Village-
Sahatwar Uttar Tola, P.S- Sahatwar, Distt.- Ballia (UTTAR Pradesh).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Soni Singh @ Susamita Singh W/O Binod Kunwar And D/O Vijay Kumar Singh R/O Village- Nagraj, P.S- Isuapur, Distt.- Saran (CHAPRA).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel for the O.P. No.2.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 323,
498(A) and 34 of the Indian Penal Code & Sections 3/4 of D.P.
Act.
3. Learned counsel for the petitioner at the outset
submits that being husband, he has been falsely implicated in
the instant case. It is next submitted that the relationship also
has soured to an extent that it is not possible to revive the
conjugal relationship. It is next submitted that the O.P. No.2
falsely alleged that petitioner has performed his second marriage



when petitioner has not performed his second marriage. The learned counsel further submits that though the relationship has soured between the petitioner and the O.P. No.2 but then he has instruction of the petitioner to make submission that petitioner is willing to pay a monthly maintenance of Rs.8000/- to the O.P. No.2. It is further submitted that the said maintenance is being given only to establish the bonafide of the petitioner.

4. Learned counsel appearing on behalf of the O.P. No.2 also submits that the relationship between the petitioner and the O.P. No.2 has soured but then submits that since the petitioner is willing to pay a monthly maintenance of Rs.8000/- as such the O.P. No.2 is not opposing the anticipatory bail application of the petitioner. It is also submitted that the bank account number of the O.P. No.2 shall be what's-app on the what's-app number of the learned counsel appearing on behalf of 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 01.04.2024.

5. Considering the submissions made by the learned counsels for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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.2797/2019, 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 approach this Court by filing a cancellation application of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months. It is further made clear that the present maintenance will stop in the event if maintenance is fixed by a court of competence jurisdiction.

(Satyavrat Verma, J)

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