

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15235 of 2024

Arising Out of PS. Case No.-13389 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Avinash Kumar Sinha S/o Dilip Kumar Sinha Resident of Village- Saidpur
Khagaul Police Station- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari W/o Avinash Kumar Sinha, D/o Binod Kumar Mehta At
present residing at Mohalla- Laxmnpur (Koyari Tola) Guljarbag Police
Station- Alamganj District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 21-08-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A and 34 of the IPC in connection with Complaint
Case No.13389 of 2022.

3. The learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the complainant. It is also submitted that the
petitioner was married to the O.P. No.2 in the year 2016, but



after marriage differences arose, as such it was not possible for the petitioner to stay with the O.P. No.2, hence he filed divorce case being Matrimonial Case No.276 of 2022, which is pending adjudication in the court of learned Principal Judge, Family Court, Patna. It is next submitted that O.P. No.2 has also appeared in the divorce case and the instant complaint case came to be instituted only after the petitioner filed the divorce case.

4. The learned counsel further submits that being husband he is aware of his responsibility towards the O.P. No.2 till they are husband and wife and thus based on instruction submits that petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P. No.2 which shall commence from 02.09.2024.

5. The learned counsel appearing on behalf of the O.P. No.2 submits that since petitioner is willing to pay a monthly of Rs.5000/- per month, as such no useful purpose would be served by sending the petitioner to jail. It is also submitted that O.P. No.2 has also filed a maintenance case which is pending adjudication in the court of learned Principal Judge, Family Court, Patna.

6. It is next submitted that the bank account number



of the O.P. No.2 shall be whatsapped 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 02.09.2024.

7. The learned APP opposes the anticipatory bail application.

8. 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 Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No.13389 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, it is made clear that O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event if petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

10. It is further made clear that the present



maintenance will stop when the Matrimonial Case No.276 of 2022 is decided by the learned family court or the maintenance case is decided, whichever is earlier.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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