

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20209 of 2024

Arising Out of PS. Case No.-2479 Year-2020 Thana- SARAN COMPLAINT CASE District-
Saran

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Avinash Kumar Giri SON OF ASHOK GIRI RESIDENT OF VILLAGE-
PIARA MATH, PS - DARIYAPUR, DISTT - SARAN (CHAPRA)

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUNITA KUMARI @ SUNITA DEVI WIFE OF AVINASH KUMAR GIRI
DAUGHTER OF JAIRAM GIRI AT PRESENT RESIDENT OF VILLAGE-
RAMPUR MATHIYA, PS - KHAIRA, DISTT – SARAN (CHAPRA)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Udai Shankar Singh, Advocate Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Nagendra Prasad, A.P.P.
For the O.P. No. 2	:	Mr. Vijay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323 and
498(A) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
instant case by the opposite party no. 2. It is further submitted
that the relationship in between the petitioner and the opposite
party no. 2 has soured to an extent where it is not possible to
revive the conjugal relationship and the petitioner has also filed



Divorce Case No. 113 of 2023 which is pending adjudication in the Court of learned Principal Judge, Family Court, Chapra. It is next submitted that petitioner is paying a monthly maintenance of Rs.9,050/- to the opposite party no. 2.

4. Learned counsel appearing on behalf of the opposite party no. 2 does not oppose the prayer for anticipatory bail of the petitioner but then submits that she intends to revive her conjugal relationship and also does not deny the fact that she is getting a monthly maintenance of Rs.9,050/-. Learned counsel further submits that no doubt, petitioner has filed an application seeking divorce but then chances of reviving the conjugal relationship still exists and may be with intervention of well-wishers, the petitioner may revive the conjugal relationship as such no useful purpose would be served by sending the petitioner to jail.

5. Considering the submissions made by the learned counsel for the parties, let 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 court below where the case is



pending/successor court in connection with Trial No. 3697 of 2023 arising out of Complaint Case No. 2479 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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