

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20373 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- CHANDI District- Nalanda

Shravan Mishtri @ Shrawan Kumar Mistry S/O Shivnath Mistri R/O Budha Ghariaya, P.S- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Puja Kumari W/O Shravan Mistri R/O Village- Naili, P.S- Chandi, Distt.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Raj Dular Sah
For the Opposite Party/s :	Mr.Shailendra Kumar
	Mr. Kumar Kaushlendra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the OP No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 323, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that petitioner during the course of investigation was given the benefit of Section 41A of the Cr.P.C. It is next submitted that Section 41A of the Cr.P.C does not by any stretch of imagination be construed that the petitioner was on police bail rather if the



police intended to arrest the petitioner, the police could have arrested him but after following due procedure. It is next submitted that after investigation, charge-sheet has been submitted, as such, no useful purpose would be served by sending the petitioner to jail when police during the course of investigation never felt the need of arresting the petitioner. The learned counsel next submits that petitioner being husband is aware of his responsibility but then the relationship in between him and the OP No. 2 has soured to an extent where it is not possible to revive the conjugal relationship. It is also submitted that petitioner by profession is a Carpenter. It is also submitted that petitioner will pay a monthly maintenance of Rs. 3,000/- (three thousand) to the OP No. 2 which shall commence from 1-10-2024.

4. The learned counsel appearing on behalf of the OP No. 2 also fairly submits that since petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the OP No. 2, as such, no useful purpose would be served by sending him to jail. It is also submitted that the bank account number of the OP No. 2 shall be whatsapped 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 1-10-2024.

5. 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 Chandi P.S. Case No. 03 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that OP 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 monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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