

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19736 of 2024

Arising Out of PS. Case No.-11399 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Munna Kumar S/o Ashok Kumar R/o Badki Delha, Paraiya Road, P.S. -
Delha, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Raj D/o Suresh Sao, W/o Munna Kumar R/o vill - Punpun, P.S. -
Punpun, Distt. - Patna at present residing at Gosai tola, P.S. - Patliputra,
Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Samrendra Jha, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, APP
	Mr. Jai Ram Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2024 1. Heard learned counsel for the petitioner, learned

APP for the State along with 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

Sections 498A, 323, 341, 504, 379, 506, 448, 427, 34 of the

Indian Penal Code and ³/₄ of Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that

petitioner being husband has been falsely implicated in the

instant case.

4. It is further submitted that the relationship in

between the petitioner and the O.P. No.2 has deteriorated to an



extent where it is not possible to revive the conjugal relationship. It is next submitted petitioner is a constable and is paying a monthly maintenance of Rs.15,000/- to the O.P. No.2. It is also submitted that the petitioner has filed Matrimonial Case No.405 of 2022 under Section 13 of the Hindu Marriage Act, which is pending adjudication in the court of learned Principal Judge, Family Court, Gaya.

5. It is further submitted that the instant complaint case came to be instituted after the petitioner had filed the aforesaid divorce case. It is also submitted that no useful purpose would be served by sending the petitioner to jail as petitioner is paying a monthly maintenance of Rs.15,000/- to the O.P. No.2 and has also filed a divorce case. It is next submitted that the O.P. No.2 till date has not appeared in the divorce case which is pending adjudication before the learned Principal Judge, Family Court, Gaya.

6. The learned counsel appearing on behalf of the O.P. No.2 does not dispute the submission made by the learned counsel for the petitioner that she is receiving a monthly maintenance of Rs.15,000/-, but then submits that he will inform the O.P. No.2 about the pendency of the aforesaid matrimonial case, so that she appears on the next date fixed.



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 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judicial Magistrate, Patna in connection with Complaint Case No.11399 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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