

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20098 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Karunesh Mishra son of Arvind Mishra H.No-45, Gali No-6, Fafrana Basti
Lakshmi Nagar Ps- Modi Nagar Dist- Ghaziabad, U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

Mr. Anuj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-09-2024 1. Heard learned counsel for the petitioner, as

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
Sections 498A, 323, 341, 379, 504, 506 and 34 of the IPC and
Section 3 and 4 of the Dowry Prohibition Act in connection with
Kazi Mohammadpur P.S. Case No.246 of 2023.
3. The learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the O.P. No.2.
4. It is next submitted that the dispute arose when the
petitioner realize that the O.P. No.2 cannot conceive, on which
the learned counsel appearing on behalf of the O.P. No.2



submits that both petitioner and the O.P. No.2 are suffering from some issues on account of which there are problem in conceiving. It is also submitted that O.P. No.2 has consulted a doctor at Patna who has advised her to get the treatment done along with the petitioner, but then petitioner is not ready. It is also submitted that petitioner had filed a divorce case at Ghaziabad, but the same now stands transferred to the district of Muzaffarpur by order of Hon'ble the Supreme Court. It is also submitted that an attempt was made before the Mediation Center of the Hon'ble the Supreme Court for resolving their dispute, but then the mediation failed.

5. At this stage, the learned counsel appearing on behalf of the petitioner submits that no useful purpose would be served by sending the petitioner to jail, as the O.P. No.2 has her own version of the allegation and story whereas petitioner has his own, but then based on instruction it is submitted that petitioner is willing to pay a monthly maintenance of Rs.10,000/- per month to the O.P. No.2 which shall commence from 01.10.2024. The learned counsel appearing on behalf of the O.P. No.2 submits that O.P. No.2 has also filed a maintenance case in the court of learned Principal Judge, Family Court, Muzaffarpur, on which the learned counsel appearing on



behalf of the petitioner submits that petitioner was not aware of pendency of any maintenance case, but since it has come to the notice of the learned counsel, it is submitted that the same will be communicated to the petitioner, so that he appears in the maintenance case.

6. The learned counsel appearing on behalf of the O.P. No.2 also submits that since petitioner is willing to pay a monthly maintenance of Rs.10,000/-, as such no useful purpose would be served by sending the petitioner to jail. 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 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 01.10.2024.

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 Additional Judicial Magistrate, Ist (East), Muzaffarpur, in connection with Kazi Mohammadpur P.S. Case No.246 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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