

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19150 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- KALYANPUR District- East Champaran

KUNAL KUMAR SINGH son of Late Ashok Singh R/O VILL
KUNWARPUR PS- KALYANPUR DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dipyanshu Devi wife of Kunal Kumar Singh R/O Village- Shyampur Barwa
PS- Sangrampur Dist- East Champaran

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 03-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A)/34
of the Indian Penal Code as well as Sections 3 and 4 of the
Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 01.07.2024, it would
manifest that the same records that house service of notice has
been effected as opposite party no. 2 had gone out somewhere.

4. In view of the service report, the notice is deemed
to have been validly served.

5. Learned counsel for the petitioner submits that



petitioner, being the husband, has been falsely implicated in the instant case. It is further submitted that for reasons best known the opposite party no. 2 does not intend to restitute her conjugal rights when petitioner is willing to restitute his conjugal rights. It is next submitted that this perhaps explains why the opposite party no. 2, despite receiving notice, chose not to appear and contest.

6. Learned counsel for the petitioner further submits that petitioner is aware of his responsibility being husband and as such in order to establish his bona fide he is willing to pay a monthly maintenance of Rs.3,000/- to the opposite party no. 2.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then fairly submits that no useful purpose would be served by sending the petitioner to jail as he is willing to pay a monthly maintenance of Rs.3,000/- to the opposite party no. 2.

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 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 Kalyanpur P.S. Case No. 234 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not pay the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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