

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20609 of 2023

Arising Out of PS. Case No.-956 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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SHUBHAM KUMAR @ SUNNY S/o-SRI SANTOSH KUMAR Village-
Mirzattoli Bettiah Ps- Kalibagh Dist- West Champaran presently- Chief Petty
officer, Indian Navy INS Vajra Kosh Naval Base, Karwar Dist- Karwar
Karnataka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aditi Anand @ Chanchal D/o- Bijay Kumar R/o- Shivpuri Colony Bettiah
Ps- Bettiah Town dist- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha
For the Opposite Party/s : Ms. Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-03-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State along with learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A and 34
of the Indian Penal Code read with Sections 3 and 4 of the Dowry
Prohibition Act, 1961.

3. Learned counsel for the petitioner submits that the
case was referred for mediation, but then the mediation failed. It is
next submitted that petitioner was always ready to keep the O.P.
No. 2 with honour and dignity, but then for reasons best known,
out of five dates in the mediation proceedings, the O.P. No. 2 only
appeared on one date, the said submission of the learned counsel
appearing on behalf of the petitioner is not rebutted by the the
learned counsel appearing on behalf of the O.P. No. 2.



4. Learned counsel for the petitioner next submits that the O.P. No. 2 recently joined job of government teacher and will be getting a salary of Rs. 40,000-45,000/-. It is further submitted that petitioner is a petty officer working with the Indian Navy and the petitioner on all five dates in the mediation proceedings was present. It is thus submitted that since O.P. No. 2 never cared to appear in the mediation proceedings without any plausible explanation which amply demonstrates that she does not intend to reside with the petitioner as she has got a government job. The learned counsel appearing on behalf of the O.P. No. 2 submits that out of the wedlock, a daughter is also born who resides with the O.P. No. 2 but then does not dispute the fact that O.P. No. 2 did not appear in the mediation proceedings on the dates fixed except one.

5. The learned counsel for the petitioner submits that petitioner is willing to pay a monthly maintenance of Rs. 5,000/- for his daughter but then he should be allowed to meet her also, which the O.P. No. 2 does not permit. It is next submitted that petitioner will pay a monthly maintenance of Rs. 5,000/- to his daughter which shall be credited in the account of the O.P. No. 2 from 08.04.2024.

6. Learned counsel appearing on behalf of the O.P. No. 2 submits that he will *Whatsapp* the bank account number of the



O.P. No. 2 on the *Whatsapp* number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance, as agreed, commences from 08.04.2024.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of ten 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 Complaint Case No. 956(C) of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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