

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25059 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- THALI District- Nawada

Prince Kumar S/O Devnandan Prasad R/O Village- Wariyarpur, P.S-
Kauwakol, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Rai D/O Alakh Dev Prasad R/O Village- Surajpur, P.S- Nalanda,
Distt.- Nalanda, At present R/O- Nana- Ramswarup Yadav, Village- Kolja,
P.S- Thali, Distt.- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indradeo Prasad, Advocate
For the State	:	Mr. Manoj Kumar, A.P.P.
For the O.P. No. 2	:	Mr. Saurav Barial, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 11-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of the
opposite party no. 2.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 498(A), 504 and 506/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and, being the
husband, has been falsely implicated in the instant case by the
opposite party no. 2.
4. The opposite party no. 2 alleges that she was married
to the petitioner on 03.06.2023 and, at the time of marriage,
petitioner was an Assistant Manager in the FCI, hence, her father



gave Rs.15 lakhs to the petitioner and the petitioner took the amount in account of his relative and some amount in cash. It is further alleged that after marriage, the accused persons including the petitioner started demanding Rs.5 lakhs and a car and on non-fulfillment of the demand, the opposite party no. 2 was tortured and her husband maintained close relation with his Bhabhi and pressurized the opposite party no. 2 to pay heed to his Bhabhi. It is further alleged that after one month, opposite party no. 2 came back to her parental home and disclosed about the torture and demand, thereafter the issue was sorted out and the petitioner along with his father took opposite party no. 2 back to her matrimonial home on 17.11.2023, but, after four days, again the accused persons started the torture and even assaulted her, hence, she called and disclosed the occurrence to her father and maternal grandfather (Nana). It is next alleged that accused persons including the petitioner snatched the mobile of the opposite party no. 2 and petitioner along with his Bhabhi started conspiring to kill her. It is further alleged that on 30.11.2023, the accused persons dashed her on the ground and tried to strangle her but then someone knocked on the door as such the accused feeling afraid left her, thereafter her father and maternal grandfather came along with the police as she had informed them prior to her mobile being snatched.



5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that prima facie no offence under Section 307 of the Indian Penal Code is made out in the nature of allegation as alleged. It is next submitted that Section 307 of the Indian Penal Code had been added only to give seriousness to the case. It is also submitted that it absolutely does not stand to reason when the opposite party no. 2 herself alleges that on 17.11.2023 her mobile was snatched by the accused persons including the petitioner then how come her father and maternal grandfather came on 30.11.2023 when it is alleged that the accused persons were trying to strangle but then submits that to cover up it has also been alleged that prior to her mobile being snatched by the accused persons she had already informed her father and maternal grandfather, but then learned counsel submits that even presuming what has been alleged is true then the opposite party no. 2 had informed her father and maternal grandfather on 17.11.2023, but they arrived on 30.11.2023 when it is alleged that accused persons were trying to strangle her. It is further submitted that the said allegation has been alleged only with a view to create cause of action. It is next submitted that the father of the petitioner is ill and on that basis, he has sought transfer from his earlier place of



posting to a place near his father and he was always willing to keep the opposite party no. 2 with honour and dignity but then at the same time wants her to serve his ailing parents.

6. Learned counsel for the petitioner further submits that petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs.8,000/- to the opposite party no. 2.

7. Learned counsel appearing on behalf of the opposite party no. 2 submits that presently the relationship has soured to an extent where it is not possible to revive the conjugal relationship but then with passage of time and on intervention of well-wishers, the parties may resolve their dispute. It is further submitted that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay a monthly maintenance of Rs.8,000/- to the opposite party no. 2 which shall commence from 23.09.2024. It is next submitted that the bank account number of the opposite party no. 2 shall be WhatsApped on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and 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 23.09.2024.

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



9. Considering the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten 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 Thali P.S. Case No. 274 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, it is made clear that 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 deposit the amount of maintenance as agreed for two consecutive months.

11. It is further made clear that the present maintenance shall stop if the Court of competent jurisdiction decides the issue of maintenance.

(Satyavrat Verma, J)

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