

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24075 of 2023**

Arising Out of PS. Case No.-702 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Durgesh Kumar @ Arbind Kumar, Son Of Ramaji Sah Resident Of Village-
Pagra Bujurg (B), P.S.-Padrauna, District-Kushinagar (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Neha Kumari @ Neha Devi, Wife Of Durgesh Kumar @ Arbind Kumar
Resident Of Village-Pagra Bujurg (B), P.S.-Padrauna, District-Kushinagar
(U.P.), Presently Residing D/O Subhash Chandra Prasad, Resident Of
Village-Chauraw, P.S.-Kuchaikote, District-Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra
For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-02-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 341, 406, 498(A) and 34 of the Indian Penal Code
read with Sections 3 and 4 of the D. P. Act.

3. The learned counsel for the petitioner submits
that the notices were received by the father of the opposite
party no.2, as such, an application of jointness was filed,
which is on record. It is next submitted that no one is
appearing on behalf of the opposite party no.2 to contest the



present anticipatory bail application. It is next submitted that petitioner is the husband and he is willing to keep the opposite party no.2 with honour and dignity. It is also submitted that petitioner had filed Matrimonial Case No.137 of 2022 in the Court of the learned Principal Judge, Family Court, Kushinagar Padrauna, U.P. seeking restitution of conjugal rights. It is thus submitted that when petitioner is willing to keep the opposite party no.2 with honour and dignity and has even filed an application seeking restitution of conjugal rights, but then, for reason best known, the opposite party no.2 is not appearing, which amply demonstrates that opposite party no.2 is not interested in pursuing her marital relationship.

4.The learned counsel for the petitioner, on instruction, submits that petitioner is willing to pay a monthly maintenance of Rs.5,000/- to the opposite party no.2, which further goes to demonstrate his bonafides. It is next submitted that the monthly maintenance of Rs.5,000/- would commence from 01.03.2024.

5.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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Gopalganj in connection with Complaint Case No.702 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. In the event, if the maintenance amount as agreed is not paid for two consecutive months, in that event, the opposite party no.2 shall be at liberty to file an application before this Court seeking cancellation of anticipatory bail application granted to the petitioner.

(Satyavrat Verma, J)

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