

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33597 of 2024

Arising Out of PS. Case No.-7395 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Anil Kumar @ Anil Kumar Sharma Son of Late Ramashish Sharma R/o New Police Line, P.S.- Gandhi Maidan, Dist.- Patna, permanent Address- village- Palia, Ward No. 5, House No. 28, P.S.- Makhdumpur, dist.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renuka Wife of Anil Kumar @ Anil Kumar Sharma, D/o Ramadhar Sharma R/o House NO. 294, Nehru Nagar, Patliputra Colony, Near Van Vibhag, P.S.- Patliputra, Dist.- Patna- 800013

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Babu
For the State	:	Mr.Aditya Narayan Singh.1
For the O. P. No. 2	:	Ms. Akanksha Malviya

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 27-05-2024 | <ol style="list-style-type: none">1. This case is heard in hybrid mode. Learned Counsel for the petitioner and learned Additional Public Prosecutor are present in Court. However, learned Counsel for the Opposite Party No. 2 appears virtually.2. Heard learned Counsel for the petitioner, learned Counsel for the informant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.3. The petitioner apprehends his arrest in connection with complaint Case No. 7395 (C) of 2021, in which cognizance has been taken for the offences punishable under Sections 498-A/323/504 of the Indian Penal Code. |
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4. The allegation, as per the complaint lodged by the Opposite Party No. 2, is that the marriage of the Opposite Party No. 2 was solemnized with the petitioner on 16.12.1999 and after sometime, the petitioner started demanding ₹ 10,00,000/- for construction over a piece of land gifted by the father of Opposite Party No. 2 and when Opposite Party No. 2 showed her inability, the petitioner ousted her and her three children from her matrimonial home.
5. Learned Counsel for the Opposite Party No. 2 submits that the learned Principal Judge, Family Court, Patna, in an ex-parte order, passed in Maintenance Case No., 182M of 2021, has awarded maintenance to be paid by the petitioner to the Opposite Party No. 2 @ ₹ 20,000/- per month since the date of filing of the maintenance case, i.e. 19.06.2021, but the petitioner has not paid any amount towards maintenance and as of today, around ₹ 7,00,000/- is to be paid by the petitioner as arrears of maintenance.
6. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. However, without prejudice to the right and contention of



the petitioner, and right of the Opposite Party No. 2 to recover the arrears of maintenance amount, the petitioner is ready and willing to pay a sum of Rs. 10,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the matrimonial/maintenance case pending/decided between the parties.

7. Learned Counsel for the complainant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 10,000/- per month in the bank account of the complainant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the Opposite Party No. 2 to learned Counsel for the petitioner within fifteen days from today.
8. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.
9. This application is, accordingly, allowed.
10. Let the petitioner, above named, in the event of his



arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No. 7395 (C) of 2021.

- 11. This is subject to the condition that the petitioner shall deposit a sum of Rs. 10,000/- per month in the bank account of Opposite Party No. 2 positively, starting from 07th May, 2024.
- 12. The amount so paid by the petitioner to the Opposite Party No. 2 shall be adjusted in the maintenance amount awarded by the learned Family Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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