

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34194 of 2024**

Arising Out of PS. Case No.-1773 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Binod Gupta @ Binod Kumar Gupta son of Babulal Sah Village- Mahiyama
Ps- Sanhoula Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari wife of Binod Gupta @ Binod Kumar Gupta Village- Kashil
Ps- Goradih Dist- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr Ram Sumiran Rai, APP.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-11-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1773 of 2023, dated 14.06.2023
registered for the offences punishable under Sections 341, 323,
307, 498(A), 504, 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the O.P. No. 2. It is further submitted that the
relationship in between the petitioner and the O.P. No. 2 has



deteriorated to an extent where it is not possible to revive the conjugal relationship in the near future but then with passage of time and on intervention of well-wishers of the parties may reconcile the dispute. It is next submitted that petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs. 4,000/- which shall commence from 01.12.2024.

5. Learned counsel appearing on behalf of the O.P. No. 2 also based on instruction submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 4,000/-. It is also submitted that if petitioner is sent to judicial custody, the chances of future reconciliation shall also get marred. It is next submitted that the Bank Account Number of the O.P. 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 undertake to communicate the same to the petitioner for the monthly maintenance as agreed commences from 01.12.2024.

6. Learned A.P.P. for the State and learned counsel for the O.P. No. 2 oppose the anticipatory bail of the petitioner.

7. 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 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 trial court where the case is pending/successor court in connection with Complaint Case No. 1773 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

8. However, O.P. No. 2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner, in the event petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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