

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37056 of 2024

Arising Out of PS. Case No.-885 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Ajay Kumar SON OF VASHISTH BHAGAT @ VASHISTH CHOURASIYA
R/O VILLAGE- MUSTFAPUR, P.S.- BIDUPUR, DIST- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. GITANJALI KUMARI D/O SURESH CHOURASIYA R/O VILLAGE-
BARI YUSUFPUR, P.S.- INDUSTRIAL AREA, DIST- VAISHALI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-07-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant/opposite party no. 2.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 498(A) of
the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner, being the husband of the complainant, has been
falsely implicated in the instant case. It is further submitted that
petitioner has filed a divorce case being Divorce Case No. 234
of 2021 which is pending adjudication in the Court of learned
Principal Judge, Family Court, Vaishali at Hajipur. It is next
submitted that in the said divorce case, the learned Family Court



directed the petitioner to pay a monthly maintenance of Rs.3,000/- and Rs.500/- per date towards litigation cost. It is also submitted that petitioner is facing difficulty in paying the amount of maintenance as directed by the learned Family Court in absence of the bank account number of the complainant. It is further submitted that altogether as of date an amount of Rs.53,000/- is to be paid to the petitioner in terms of the order of the learned Family Court out of which the petitioner has paid an amount of Rs.17,000/- and still has to pay Rs.36,500/- which includes the litigation cost also as directed. It is next submitted that if the bank account number of the complainant is provided to the petitioner, it will become easier for him to pay the amount of maintenance as directed by the learned Family Court. It is also submitted that petitioner will keep paying the amount of maintenance as directed till the instant case is not decided by the learned trial court.

4. Learned counsel appearing on behalf of the complainant submits that no useful purpose would be served by sending the petitioner to jail since petitioner is ready to pay the amount of maintenance as directed by the learned Family Court but then submits that if the petitioner withdraws the divorce case in that event automatically the order by which maintenance has



been granted will lose its force on which learned counsel appearing on behalf of the petitioner submits that a specific submission has been made that petitioner will keep paying the amount of maintenance as directed by the learned Family Court till the instant case is not decided in the trial.

5. At this stage, learned counsel appearing on behalf of the complainant submits that he will WhatsApp the bank account number of the complainant on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the maintenance as agreed continues.

6. Learned counsel for the petitioner submits that the arrear which has accrued shall be paid within a period of two months from today. It is further submitted that at the time of furnishing bail bonds, the petitioner will pay an amount of Rs.20,000/- as such the rest amount of Rs.16,500/- would be paid thereafter within a period of two months from today and the monthly maintenance amount shall be paid regularly.

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 Court below



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 court below where the case is pending/successor court in connection with Complaint Case No. 885 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not credit the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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