

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36235 of 2024

Arising Out of PS. Case No.-4830 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Suman Kumar S/o Late Vijay Prasad R/o vill - Nasiruddinganj, P.S. -
Malsalami, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Monika Kumari W/o Suman Kumar, D/o Ajay Kumar R/o vill - Ragini
House Near State Bank of India, P.S. - Mahendru, P.S. - Pirbahore, Distt. -
Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Abhijeet Abhigyan, Advocate
For the Opposite Party/s :	Mr. Nitya Nand Tiwary, APP
	Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 498A of the IPC and Section 4 of the Dowry Prohibition

Act in connection with Complaint Case No.4830 of 2023.

3. The 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 next submitted that prior to

instituting the instant complaint the O.P. No.2 had earlier

instituted Pirbahore P.S. Case No.453 of 2023 dated 19.06.2023



in which petitioner has been granted the benefit of Section 41(A) of the Cr.P.C.

4. It is next submitted that O.P. No.2 is only trying to harass the petitioner by filing cases. It is further submitted that petitioner has filed a divorce case in the court of learned Principal Judge, Family Court, Patna. It is next submitted that till the divorce case is not adjudicated the petitioner is willing to pay a monthly of Rs.5000/- to the O.P. No.2 which shall commence from 01.12.2024.

5. The learned counsel appearing on behalf of the O.P. No.2 submits that no doubt a divorce case has been filed by the petitioner but then with passage of time the parties may reconcile their dispute, as such no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.5000/-.

6. It is next submitted that 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 the 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 01.12.2024.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Complaint Case No.4830 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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