

Arising Out of PS. Case No.-1450 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

1. The State Of Bihar
2. Munni Kumari W/O Vijay Sahni @ Vijay Kumar Sahni, D/O Vishwanath Sahni A/P R/O- Fulwariya, P.S. Minapur, Dist.-Muzaffarpur

... .. Opposite Party/s

For the Petitioner/s :	Mr. Alok Kumar Alok
For the Opposite Party/s :	Ms. Asha Devi
	Ms. Poonam Kumari
	Mr. Brahmputra Singh
	Ms. Ishu

4 29-02-2024 1. Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in Complaint Case No.1450 of 2021, Trial No.03 of 2022 registered for the offences punishable under Sections 323 and 498A of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the matter was referred for mediation, but then, the mediation failed. It is next submitted that the relationship in between the petitioner and the opposite party no.2 has soured to an extent that it is difficult to revive the conjugal relationship. It is further submitted that the petitioner without any reason has been



implicated along with his family members. The learned counsel next submits that petitioner is still willing to maintain the opposite party no.2 and the child. It is further submitted that he has instructions to make submission that petitioner is willing to pay a monthly maintenance of Rs.5,000/- (Five Thousand) per month to the opposite party no.2, till the Maintenance Case No.349 of 2022 filed by the opposite party no.2, which is pending adjudication in the Court of the learned Principal Judge, Family Court, Muzaffarpur is not adjudicated. It is thus submitted that the present maintenance will stop once the maintenance is fixed by a Court of Competent jurisdiction.

4. The learned counsel appearing on behalf the opposite party no.2 submits that he has instructions on behalf of opposite party no.2 to make submission not to oppose the anticipatory bail application of the petitioner in the event, if petitioner is ready and willing to pay a monthly maintenance of Rs.5,000/-. It is further submitted that the bank account number of the opposite party no.2 shall be whatsapp on the whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner, so that the monthly maintenance, as agreed, commences from 11.03.2024.



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 J. M., 1st Class, Muzaffarpur in connection with Complaint Case No.1450 of 2021, Trial No.03 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months. It is further made clear that the present maintenance will stop, the moment maintenance is fixed by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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