

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38238 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- MAHILA PS District- Buxar

Nitish Kumar Son of Late Rajendra Yadav @ Rajendra Prasad Yadav
Resident of Village - Farhada, Police Station - Barhara, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sneha Raj Daughter of Ram Samujh Singh Resident of Village - Atimee,
Police Station - Nawanagar, District - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A and
34 of the Indian Penal Code read with Sections 3 and 4 of the
Dowry Prohibition Act.

3. 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 presently
the relationship in between the petitioner and the O.P. No. 2 has
soured to an extent where it is not possible to revive the



conjugal relationship, but then it is fairly submitted that with passage of time and on intervention of well wishers, the parties may resolve their dispute. It is also submitted that petitioner, being husband, is aware of his responsibility towards the O.P. No. 2 and the child who presently is staying with her and thus the learned counsel, based on instruction, submits that petitioner is willing to pay a monthly maintenance of Rs.7,500/- to the O.P. No. 2 and the child.

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that since petitioner is willing to pay a monthly maintenance of Rs. 7,500/- to the O.P. No. 2 and the child, as such, no useful purpose would be served by sending the petitioner to jail.

5. Learned counsel appearing on behalf of the O.P. No. 2 further submits that he will *Whatsapp* the bank account number of the O.P. No. 2 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 23.09.2024.

6. 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 Buxar (Mahila) P.S. Case No. 04 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

8. It is further made clear that the present maintenance will stop in the event if the maintenance is decided by a Court of competent jurisdiction.

Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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