

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36608 of 2023

Arising Out of PS. Case No.-827 Year-2020 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Rajnish Kumar Mani, S/O Bijali Singh R/O Village- Jagarpatti, P.S-
Rajapakar, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchal Kumari, W/O Rajnish Kumar Mani and D/O Sarwan Singh
presently residing at Village- Bakarpur, P.O- Bishunpur shaid, P.S-
Rajapakar, Distt.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shivjee Singh
For the Opposite Party/s :		Mr.Abhay Kumar
		Mr.Amar Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-02-2024 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 a case registered for the offences punishable under
Sections 498(A), 323, 354B, 341, 376, 504, 509, 511, 120B and
34 of the Indian Penal Code, but the learned Magistrate took
cognizance under Sections 498A and 323 of the I.P.C.

3. The learned counsel for the petitioner submits that
the petitioner is the husband and he intends to keep the opposite
party no.2 with honour and dignity. It is also submitted that



petitioner also filed a case seeking restitution of conjugal rights in the Court of the learned Principal Judge, Family Court, Vaishali at Hajipur, but the opposite party no.2 is not willing to accompany the petitioner, rather she intends for a one time settlement, but the petitioner presently is not in a position to fulfill the demand as being raised by the opposite party no.2 for one time settlement as opposite party no.2 is demanding Rs. Six Lacs.

4. The learned counsel for the petitioner thus submits that when petitioner is willing to keep the opposite party no.2 with honour and dignity and for that he has already instituted a case for seeking restitution of his conjugal rights whether it would be prudent to send the petitioner to jail. It is further submitted based on instruction that petitioner is willing to pay a monthly maintenance of Rs.4000/- per month to the opposite party no.2.

5. The learned counsel for the opposite party no.2, on instruction, does not rebut the submission of the learned counsel for the petitioner. The learned counsel for the opposite party no.2 submits that he will whatsapp the bank account number of the opposite party no.2 on the whatsapp of the learned counsel for the petitioner and the learned counsel for the petitioner



undertakes to whatsapp the bank account number of the opposite party no.2 to the petitioner, so that the monthly maintenance commences from 01.03.2024.

6. Considering the submissions made by the learned counsel for the parties, 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 Additional Chief Judicial Magistrate-II, Vaishali at Hajipur in connection with Trial No.2288 of 2020 arising out of Complaint Case No.C1-827 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that in the event, if the monthly maintenance as agreed is not paid for two consecutive months, the opposite party no.2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail application granted to the petitioner.

(Satyavrat Verma, J)

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