

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38222 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

NISHANT KUMAR @ KISHORE MANDAL @ KISHORE KUMAR Son of
Kailash Mandal Resident of village - Balu Tola Khedia, P.S. - Kursela, Distt. -
Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari D/o Sri Jivan Mandal Resident of village - Nawada, P.S. -
Naugachia, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 09-04-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
494, 506, 504 and 34 of the Indian Penal Code as well as
Sections 3 and 4 of the Dowry Prohibition Act.
3. Learned counsel for the parties jointly submitted
that the case was referred for mediation but then the mediation
failed.
4. Learned counsel for the petitioner submits that the
relationship in between the petitioner and the opposite party no.
2 has strained to an extent where it is not possible to revive their



conjugal relationship presently but then petitioner is willing to pay a monthly maintenance of Rs.8,000/-.

5. Learned counsel appearing on behalf of the opposite party no. 2 submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.8,000/- to the opposite party no. 2. It is further submitted that at times with passage of time wound may heal and if the petitioner is sent to jail in that event chances of any reconciliation in future will become bleak. It is next submitted that the bank account number of the opposite party no. 2 will 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 22.04.2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Naugachia Mahila P.S. Case No. 28 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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