

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39521 of 2023

Arising Out of PS. Case No.-279 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

MAN MOHAN SINGH S/O JITENDRA SINGH R/O Maniyar (Uttar Tola),
P.S- Maniyar, Distt.- Baliya (UP)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Priyanka Singh D/O Late Dev Nath Singh, W/O Man Mohan Singh R/V-
Rasalpur, P.S- Patori (Mohanpur O.P.), Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 18-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that in
compliance of the order dated 13.03.2024 an application of
jointness has been filed in view of the office report dated
11.03.2024 as it recorded that the notices have been received by
the sister of the opposite party no. 2.

4. Since the jointness application has been filed as
such the notice is deemed to have been validly served.



5. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the present case by the complainant/opposite party no. 2. It is further submitted that petitioner is still willing to keep the opposite party no. 2 with full honour and dignity but then it is submitted that it appears that the opposite party no. 2 is not interested in reviving her conjugal relationship as despite receiving the notice she chose not to appear. It is next submitted that the petitioner works as a driver in Delhi and earns Rs.18,000/- to Rs.20,000/- per month and old mother to look after who presently is suffering from tumor in the stomach and thus has been admitted in AIIMS, New Delhi. It is also submitted that petitioner in order to establish his bona fide is willing to pay monthly maintenance of Rs.3,000/- per month to the opposite party no. 2 which shall commence from 01.05.2024.

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 Complaint Case No. 279 of 2020, T.R. No. 2342 of 2023, 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 pay the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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