

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41020 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Nitish Kumar @ Nitish Sah, son of Vakil Sah, resident of Village- Bahornapur
Ps- Kochas Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Kumari, wife of Nitish Sah @ Nitish Kumar Village- Bahornapur Ps- Kochas Dist- Rohtas, P/A- Bagadhi Ps- Ramgarh Dist- Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Ms. Kiran Kumari Sharma
For the Opposite Party/s :	Ms. Nirmala Kumari
	Ms. Alka Singh
	Mr. Binod Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 12-09-2024
1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the complainant.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 498(A), 323 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that

the petitioner, being husband, has been falsely implicated in the

instant case by the opposite party no.2. It is next submitted that

the relationship in between the petitioner and the opposite party

no.2 has soured to an extent where it is not possible to revive the



conjugal relationship, but then, with passage of time and on intervention of well-wishers the parties may resolve their dispute. It is also submitted that she has instructions to make submission on behalf of the petitioner that petitioner, being husband, is aware of his responsibility and is willing to pay a monthly maintenance of Rs.4000/- (Four Thousand) to the opposite party no.2. It is next submitted that petitioner works as a cook in a *Dhaba*.

4. The learned counsel appearing on behalf of the opposite party no.2 also has instructions to make submission that if petitioner is willing to pay a monthly maintenance, in that event, not to oppose the anticipatory bail of the petitioner. It is next submitted that no useful purpose would be served by sending the petitioner to jail as chances of reconciling the dispute will get marred. The learned counsel further submits that bank account number of the opposite party no.2 shall be whatsapped 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 30.09.2024.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Mohniya, Kaimur in connection with Complaint Case No.130(C) of 2023, 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.

(Satyavrat Verma, J)

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