

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42807 of 2023

Arising Out of PS. Case No.-581 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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ARJUN SAHNI Son of Dehu Sahni @ Debu Sahni Resident of village -
Kalwara, P.S. - Singhwara, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ruby Kumari D/o Rajendra Sahni Resident of village - Laxmipur, P.S. -
Sadar, Distt. - Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2024 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 498A and
34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the OP No.2. It is further submitted that
petitioner is still willing to keep the OP No.2 with honor and
dignity, but then OP No.2, despite receiving notice chooses not
to appear and contest, which amply demonstrates that OP No.2
is not interested in restituting her conjugal rights, on which the



learned APP, Shri. Chandra Bhushan Prasad, submits that it may be a possibility that in absence of any financial support, the OP No.2 may not be in a position to engage a learned lawyer as such despite receiving notice she has not appeared, on which the learned counsel appearing on behalf of the petitioner submits that petitioner being husband is aware of his responsibility and based on instruction submits that petitioner is a labourer but is willing to pay a monthly maintenance of Rs. 2,500/- to the OP No.2.

4. The learned APP thus submits that no useful purpose would be served by sending the petitioner to jail since petitioner is ready to pay a monthly maintenance of Rs. 2,500/- to the OP No.2.

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 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 Complaint Case No. 581 of 2022, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

6. However, the OP 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 give/credit the amount of maintenance as agreed for two consecutive months.

7. The learned trial court is directed to hand over a copy of this order to the learned counsel appearing on behalf of the OP No.2.

(Satyavrat Verma, J)

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