

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46055 of 2023

Arising Out of PS. Case No.-751 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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SANJEEV KUMAR, Son of Late Sheetal Prasad Village- Naya Tola
Madhopur Ps- Bakhtiyarpur Dist- Patna Presently- RE Colony Qtr No-50, Po
and PS- Burhanpur Dist- Burhanpur (M.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritu Kumari D/o- Dashrath Saw Mohalla- Anand Bazar Po and PS- Danapur
Dist- patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kumar
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur Mr.Sujeet Kumar Gupta

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 18-03-2024 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
Section 498(A) of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
he has been falsely implicated in the present case. It is next
submitted that it is the case of the opposite party no.2 that
petitioner, during subsistence of his first marriage, performed
his marriage with the opposite party no.2 for the second time. It



is further submitted that if the marriage of the petitioner with the opposite party no.2 is a void marriage, then how it can be claimed by the opposite party no.2 that petitioner is her husband. It is next submitted that whether opposite party no.2 is his first wife or the second wife that is an aspect of adjudication in the trial. It is further submitted that petitioner is willing to pay a monthly maintenance of Rs.6,000/- (Six Thousand) per month, which shall commence from 01.04.2024.

4. The learned counsel appearing on behalf of the opposite party no.2, on instruction, submits that he will whatsapp the bank account number of the opposite party no.2 on the whatsapp 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 01.04.2024.

5. Learned A.P.P. opposes the bail application.

6. 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.5,000/- (Rupees



Five Thousand) with two sureties of the like amount each to the satisfaction of Dr. Kanchan Prabha, the learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Complaint Application No.751(C) of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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

9. It is further made clear that the present maintenance would be subject to maintenance fixed by a Court of Competent jurisdiction.

(Satyavrat Verma, J)

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