

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41625 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Arbind Kumar, son of Late Chandra Kumar Chand Village- Bhelahi Ps-
Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Devi, wife of Arbind Kumar, D/o- Late Subhash Yadav Village-
Belahi W.No-3, Ps- Murliganj Dist- Madhepura, P/A- Kumar Khand W.No-
12, Ps- Kumarkhand Dist- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dinesh Prasad Verma
For the Opposite Party/s :	Mr. Bishweshwar Ram
	Mr. Nafisuzzoha
	Mr. Md. Mahtab Ali Alammanour

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-11-2024 1. Heard learned counsel for the petitioner, the

learned counsel appearing on behalf of the complainant 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 498A/34 of the Indian Penal Code and Sections 3 and 4

of the D. P. Act.

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 deteriorated to an extent where it is not possible to revive the conjugal relationship in the present, but then, with passage of time and on intervention of well-wishers, the parties may reconcile their dispute. It is also submitted that petitioner, being husband, is aware of his responsibility and is willing to pay a monthly maintenance of Rs.6,000/- to the opposite party no.2, which shall commence from 01.12.2024.

4. The learned counsel for the opposite party no.2 also submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance. It is further submitted that if petitioner is sent to jail, the chances of future reconciliation will also get bleak. It is next submitted 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 the 01.12.2024.

5. Learned A.P.P. opposes the anticipatory 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 the learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Complaint Case No.107(C) of 2023, 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 of 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 will stop, the moment maintenance is fixed by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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