

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42657 of 2024

Arising Out of PS. Case No.-824 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Sunil Kumar Son Of Keshav Bhagat @ Keshav Prasad Village- Jhapahan, Ps-
Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Mala Kumari Wife Of Umesh Bhagat Village- Jhapahan, Ps- Ahiyapur, Dist-
Muzaffarpur P/A- Village- Majholia, Ps- Minapur, Dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-10-2024 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 offence punishable under Sections 498(A) of
the Indian Penal Code & Section 4 of the D.P. Act.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 27.09.2024, it would
manifest that ordinary notice has been received by the father of
O.P. No.2 and as per registered notice, it has been recorded that
O.P. No.2 could not be traced. Since the notice has been
received by father of O.P. No.2, hence it is deemed to have been
validly served. It is next submitted that petitioner being husband



has been falsely implicated in the instant case by the complainant. It is next submitted that even today the petitioner is willing to keep the O.P. No.2 with honour and dignity but then the O.P. No.2 for reasons best known is not interested in restituting her conjugal rights. It is next submitted that the complainant alleges that she was married to the petitioner on 24.06.2021 and after marriage the accused persons including the petitioner were demanding dowry of Rs.1 lakh along with a motorcycle, on account of non-fulfillment of the demand, she was ousted from her matrimonial home.

4. The learned counsel submits that even the allegation of demand and torture appears to be general and omnibus in nature. It is further submitted that O.P. No.2 since the time of marriage was not interested in pursuing her conjugal relation but then it is submitted that petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2 which shall commence from 10.10.2024. It is also submitted that no useful purpose would be served by sending the petitioner to jail as with passage of time, the parties on intervention of well wishers may reconcile their dispute.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner but then fairly submits that since petitioner is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2, hence no useful purpose would be served by sending him to jail as chances of future reconciliation will also become bleak.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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.824/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the O.P. No.2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner if the petitioner does not credit/give the amount maintenance, as agreed, on two consecutive dates.

8. It is further made clear that the present maintenance will stop if a court of competent jurisdiction fixes the maintenance.



9. The learned trial court is directed to hand over a copy of this order to the learned counsel appearing on behalf of the O.P. No.2 for perusal of O.P. No.2.

(Satyavrat Verma, J)

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