

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44741 of 2023

Arising Out of PS. Case No.-2047 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Gyan Vardhan S/o Anil Kumar Resident of village-Parshuram Nagar Colony,
Sandalpur, Kumahrar, P.S.-Alamganj, District-Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MONIKA SHAILESH W/o Gyan Vardhan, D/o Anil Kumar R/o Sudhi Tola,
Mahendru, P.S.-Pirbahore, Dist.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rana Vikram Singh, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Pandey, APP
	Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-02-2024 Heard learned counsel for the petitioner, learned APP
for the State along with learned counsel for the O.P. No.2.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
498A, 325, 506 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry
Prohibition Act.

3. The learned counsel for the petitioner submits that
the case was referred for mediation but then the mediation
failed. It is also submitted that form bare perusal of the
allegation as alleged in the complaint petition, it would manifest
that the same has been drafted by a legal brain. It is further
submitted that now it is not possible for the petitioner to revive
his conjugal relation but then is not averse from maintaining the



O.P. No.2 till the case does not come to its logical conclusion.

4. The learned counsel appearing on behalf of the O.P. No.2 submits that O.P. No.2 is still willing to revive her conjugal relationship and rebuts the submission of the learned counsel for the petitioner that the allegation have been alleged based on advise of a legal brain.

5. The learned counsel for the petitioner at this stage submits that petitioner is willing to pay a monthly maintenance of Rs.10,000/- to the O.P. No.2, but then the same shall be subject to Maintenance Case No.199(M) of 2021 pending in the court of learned Principal Judge, Family Court, Patna.

6. It is next submitted that once the Court of competent jurisdiction fixes the maintenance amount, in that event the present maintenance amount shall stop.

7. The learned counsel for the O.P. No.2 at this stage submits that the anticipatory bail application of the petitioner is not being opposed for the present and submits that he will whatsapp the bank account number of the O.P. No.2 on the whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 11.03.2024.



8. 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.2047(C) of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, it is made clear that O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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