

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50539 of 2023**

Arising Out of PS. Case No.-95 Year-2022 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

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RAJENDRA KUMAR S/O RAMJEE RAVIDAS R/O Village- Mahimapur,  
P.O- Mathurapur, P.S- Guraru, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Resham Kumari W/O Rajendra Kumar, D/O Vijay Das R/O Village- Mahimapur, P.O- Mathurapur, P.S- Guraru, Distt.- Gaya.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      05-03-2024              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 Section 498A of the  
Indian Penal Code.

3.    The learned counsel for the petitioner submits that  
the case was referred for mediation and in the mediation, the  
dispute in between the petitioner and the OP No. 2 also got  
resolved, but then, when the petitioner went to bring OP No. 2  
back from her parental home, she refused to accompany him.

4.    It is further submitted that petitioner, even today, is  
willing to keep the OP No. 2 with honour and dignity.



5. The learned counsel for the OP No. 2 rebuts the submission of the learned counsel for the petitioner and submits that no doubt, in the mediation proceeding, the dispute in between the petitioner and the OP No. 2 was resolved, but then, the petitioner never intended to take back the informant to her matrimonial home. It is also submitted that the petitioner came to the parental home of the OP No. 2, but then there was a fight in between them.

6. At this stage, the learned counsel for the petitioner submits that fight in between husband and wife is considered to be a normal wear and tear of life, but then, since OP No. 2 is not willing to accompany him, as such, in order to establish his bonafide, the petitioner is willing to pay a monthly maintenance of Rs. 5,000/- to the OP No. 2, which shall commence from 1-4-2024.

7. The learned counsel for the OP No. 2 submits that he will WhatsApp the bank account number of the OP 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 maintenance as agreed commences from 1-4-2024.

8. In view of the submissions made by the learned



counsels for the parties,, 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. 95 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, OP No. 2 shall be at liberty to file an application before this court seeking cancellation of anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

**(Satyavrat Verma, J)**

SUMIT/-

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