

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47558 of 2024**

Arising Out of PS. Case No.-61 Year-2023 Thana- MAHILA PS District- Buxar

Uday Pratap S/o Ashok Gupta @ Ashok Kumar Kanu R/o vill -  
Raghunathpur, P.S. - Brahmpur, Distt. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rima Devi D/o Anant Prasad Gupta, W/o Uday Pratap R/o vill, P.O and P.S.  
- Itadhi, Distt. - Buxar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Shankar Pathak  
For the Opposite Party/s : Mr. Kanhiya Kishor

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

2      28-08-2024                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State along with learned counsel appearing on  
behalf of the O.P. No.2.

2. The petitioner apprehends his arrest in a case  
registered for the offence punishable under Sections 323, 498A,  
504, 506 and 34 of the Indian Penal Code & Sections 3/4 of the  
D.P. Act.

3. The learned counsel for the petitioner submits that  
from perusal of the order impugned dated 01.02.2024, it would  
manifest that informant had taken a categoric stand before the  
learned District and Sessions Judge, Buxar that there is no  
probability of compromise in between her and her husband, as



such, it is submitted that informant is not willing to reconstitute her conjugal rights, on which, the learned counsel appearing on behalf of the O.P. No.2 submits that even petitioner has instituted a divorce case being Divorce Case No.231/2023 which is pending adjudication in the court of learned Principal Judge, Family Court, Buxar. The learned counsel appearing on behalf of the O.P. No.2 next submits that till the divorce petition is not adjudicated by the learned Principal Judge, Family Court, Buxar the O.P. No.2 is wife of the petitioner and it is the bounden duty of the petitioner to maintain the O.P. No.2, on which, the learned counsel appearing on behalf of the petitioner submits that petitioner is a young advocate who has started practicing recently before the learned District Court, Buxar but then submits that being a lawyer he is aware of his responsibility and based on instruction, it is submitted that the petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P. No.2, which shall commence from 02.09.2024.

4. The learned counsel appearing on behalf of the O.P. No.2 also fairly submits that no useful purpose would be served by sending the petitioner to jail since the petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P. No.2. It is next submitted that the bank account number of the O.P. No.2



shall be whatsapped on the whats app number of the learned counsel appearing on behalf of the petitioner. 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 02.09.2024.

5. Considering 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 Court below 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 Buxar (Mahila) P.S. Case No.61/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the 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 the petitioner does not deposit the amount of maintenance, as agreed, for two consecutive months.

**(Satyavrat Verma, J)**

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