

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48193 of 2024**

Arising Out of PS. Case No.-1081 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

=====

NAVNEET KUMAR BHATT S/O AJAY KUMAR BHATT R/O VILLAGE
AND P.O- NONHAR, P.S- VIKRAMGANJ, DISTT.- ROHTAS (BIHAR).
PRESENTLY RESIDING AT HOUSE NO.-1078, GALI NO. 31, SHANTI
NAGAR, P.S- BURARI DELHI-110084.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. POOJA DEVI W/O NAVNEET KUMAR BHATT R/O MOHALLA
CHANDRAVERDIYE NAGAR, BALUGHAT, P.S- NAGAR, DISTT.-
MUZAFFARPUR (BIHAR)- 842001.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Roushan Kumar, Advocate
For the Opposite Party/s : Dr. (Mr.) Kumar Uday Pratap, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-10-2024 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of

the complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 498(A) of

the Indian Penal Code as well as Sections 3 and 4 of the Dowry

Prohibition Act.

3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent.

4. The complainant alleges that she was married to

the petitioner on 25.11.2013 and out of the wedlock a child was

born on 30.01.2016, thereafter the accused persons started



demanding Rs.10 lakhs by way of dowry and on account of non-fulfillment of the demand she was tortured and was ousted from her matrimonial home on 14.07.2017 along with the child. Further, the petitioner works as a technician with Merchant Navy.

5. Learned counsel for the petitioner submits that petitioner being the husband has been falsely implicated in the present case. It is further submitted that no doubt petitioner was working with the Merchant Navy but after the case came to be instituted he had to leave his job and presently is jobless. It is also submitted that during absence of the petitioner, the opposite party no. 2 came in relation with his brother and when his brother's marriage was fixed she instituted a case under Section 376 of the Indian Penal Code at Delhi with an intention that his brother does not get married. Learned counsel further submits that the relationship has soured to an extent where it is not possible to revive the same in near future but with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is further submitted that petitioner is not allowed to meet the child even but then he is willing to pay a monthly maintenance of Rs.7,000/- to the opposite party no. 2 which shall commence from 10.10.2024.



6. Learned counsel appearing on behalf of the opposite party no. 2 submits that she is willing to reconstitute her conjugal rights. It is further submitted that it was petitioner who forced her to get into an illicit relationship with his brother. It is next submitted that rape case was instituted at Delhi when the brother of the petitioner had tried to outrage the modesty of the victim and commit rape.

7. Learned counsel for the petitioner, at this stage, submits that it absolutely does not stand to reason that one hand the opposite party no. 2 submits that she intends to revive her conjugal relationship on the other hand it is submitted that petitioner forced her to have illicit relationship with his brother. It is thus submitted that if the petitioner is such a person who coaxed the opposite party no. 2 to have illicit relationship with his brother then why the opposite party no. 2 is interested in reviving her conjugal relationship which amply demonstrates the falsity of the allegation.

8. Learned counsel appearing on behalf of the opposite party no. 2 at this stage submits that the anticipatory bail application of the petitioner is not being opposed as he is willing to pay a monthly maintenance of Rs.7,000/-. It is further submitted that may be with passage of time the parties may



resolve their dispute amicably as such no useful purpose would be served by sending the petitioner to jail as the same would mar the chances of future reconciliation. It is next submitted that the 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 10.10.2024.

9. Learned A.P.P. for the State is present.

10. Considering the submissions made by the learned counsel for the petitioner, let 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 court below where the case is pending/successor court in connection with Complaint Case No. 1081 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory



bail granted to the petitioner, if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

12. It is further made clear that the present maintenance will stop if the Court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

