

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48595 of 2024

Arising Out of PS. Case No.-513 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Guddu Kumar, Son of Udal Mahto R/O Vill.- Sarhu, Post- Jhargara, P.S.-
Hussainabad, Sarhu, Palamu Japla, Dist.- Palamu (Jharkhand)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shabya Devi, Wife of Guddu Kumar Daughter of Bindeshwari Rajaun @
Bindeshwari Rajwar R/O Vill.- Garha, P.S.- Tandwa, Dist.- Aurangabad,
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh
For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

learned counsel appearing on behalf of the opposite party no.2

and learned APP for the State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 498(A) of the Indian Penal Code and Section 4 of the

D.P. Act.

3. The learned counsel for the petitioner submits that

the petitioner, being husband, has been falsely implicated in the

instant case by the opposite party no.2. It is next submitted that

in sum and substance the allegation is that petitioner, who is

working with the Jharkhand Police, has performed his marriage



with Puja and hence, ousted opposite party no.2 from her matrimonial home.

4. The learned counsel for the petitioner submits that petitioner has not performed his second marriage and the same stands specifically pleaded at Para-10 of the anticipatory bail application. It is also submitted that petitioner is still ready and willing to keep the opposite party no.2 with honour and dignity, but then, submits that opposite party no.2, for reasons best known, is not interested in reviving her conjugal relationship hence, she has filed a divorce case being Matrimonial Case No.157 of 2023, which is pending adjudication in the Court of the learned Principal Judge, Family Court, Aurangbad. The learned counsel next submits that till the divorce case is not adjudicated, the opposite party no.2 is his wife and being husband, he is aware of his responsibility towards her and is willing to pay a monthly maintenance of Rs.10,000/-, which shall commence from 10.10.2024. It is also submitted that relationship presently has soured to an extent where it is not possible to revive the conjugal relationship, but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably.

5. The learned counsel appearing on behalf of the



opposite party no.2 submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.10,000/-. It is also submitted that if petitioner is sent to jail, the chances of future reconciliation will be marred. It is also submitted that no doubt, divorce case is pending adjudication, but then, with passage of time and on intervention of well-wishers, the parties may try to resolve the dispute amicably. It is next submitted that 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 the 10.10.2024.

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, is directed to be released on bail on his furnishing bail-bonds in the sum 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 in connection with Complaint Case No.513 of 2023,



subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

9. It is further made clear that the present maintenance will stop, the moment maintenance is fixed by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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