

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48728 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- BHANGWANPUR HAT District- Siwan

1. AJESH KUMAR S/O LALBABU SINGH R/O VILLAGE- KAURIYA, P.S- BHAGWANPUR HAT, DISTT.- SIWAN.
2. LALBABU SINGH S/O LATE RAUSHAN SINGH R/O VILLAGE- KAURIYA, P.S- BHAGWANPUR HAT, DISTT.- SIWAN.
3. ANJU DEVI W/O LALBABU SINGH R/O VILLAGE- KAURIYA, P.S- BHAGWANPUR HAT, DISTT.- SIWAN.
4. ALISHA KUMARI @ AMISHA KUMARI D/O LALBABU SINGH R/O VILLAGE- KAURIYA, P.S- BHAGWANPUR HAT, DISTT.- SIWAN.
5. ASHU KUMARI D/O LALBABU SINGH R/O VILLAGE- KAURIYA, P.S- BHAGWANPUR HAT, DISTT.- SIWAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. VANDANA DEVI W/O AJESH KUMAR, D/O BASHISHTHA SINGH R/O VILLAGE- SUDHARI, P.S- BHAGWANPUR HAT, DISTT.- SIWAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the opposite party no. 2.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 504 and 506 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioners submits that petitioner no. 1, being the husband, has been falsely implicated



in the instant case by the opposite party no. 2. It is further submitted that the instant FIR has been instituted after 11 years of marriage. It is next submitted that since opposite party no. 2 was not conceiving, as such, some dispute arose in the family on account of which she came back to her parental home from Delhi where she was staying with the petitioners. It is also submitted that petitioner no. 1, being the husband, is aware of his responsibility towards the opposite party no. 2 and as such is willing to pay a monthly maintenance of Rs.10,000/- to the opposite party no. 2.

4. Learned counsel appearing on behalf of the opposite party no. 2 based on instruction submits that since petitioner no. 1 is willing to pay a monthly maintenance of Rs.10,000/- as such no useful purpose would be served by sending the petitioners to jail and even chances of reconciliation will get marred if the petitioners are sent to judicial custody. Learned counsel further submits that he will WhatsApp the bank account number of the opposite party no. 2 on the WhatsApp number of the learned counsel appearing on behalf of the petitioners and the learned counsel appearing on behalf of the petitioners undertakes to communicate the same to the petitioners so that the monthly maintenance as agreed



commences from 01.10.2024.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioner no. 1 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 Bhagwanpur Hat P.S. Case No. 142 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner no. 1, if he does not deposit the amount of maintenance as agreed for two consecutive months.

8. At this stage, learned counsel appearing on behalf of the opposite party no. 2 submits that opposite party no. 2 has filed Maintenance Case No. 227 of 2024 which is pending adjudication in the Court of learned Principal Judge, Family Court, Siwan.



9. Learned counsel appearing on behalf of the petitioners submits that petitioners will be informed about the pendency of the Maintenance Case No. 227 of 2024 so that petitioner no. 1 would appear before the learned Principal Judge, Family Court, Siwan for contesting the case.

10. It is made clear that the present maintenance will stop in the event, the maintenance is decided by a court of competent jurisdiction.

11. The provisional bail granted to the petitioners no. 2 to 5 named above, vide order dated 19.08.2024, is hereby confirmed.

(Satyavrat Verma, J)

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