

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48885 of 2024

Arising Out of PS. Case No.-138 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Dhanpal Son of Raja Ram Verma Resident of Village - Ramuapur, Dhakhwa,
P.O.- Parvatpur, P.S.- Rampur, District - Sitapur, State - Uttar Pradesh, At
Present Resident of village - Haiharpur, P.O.- Dumari, P.S.- Dumari, District -
West Champaran, State - Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Dhanpal D/o- Mawla Patel, Resident of village -
Bairagi Sonversha Tola Pakadihar, P.S.- Chutaha, District - West Champaran

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr.Sujeet Kumar
For the Opposite Party/s : Ms.Asha Devi
Mr. Sujit Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 326-10-2024
1.

Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for OP

No. 2, Shri. Sujit Kumar.
2.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 323, 120B,

304 and 498A of the Indian Penal Code read with Sections 3 and

4 of the Dowry Prohibition Act.
3.

The learned counsel for the petitioner, at the outset,

submits that petitioner being husband has been falsely

implicated in the instant case by the OP No. 2. It is next

submitted that allegations are in realm of allegations. It is



further submitted that relationship in between the petitioner and the OP No. 2 has deteriorated to an extent from where it is not possible to revive the conjugal relationship but submits that with passage of time and on intervention of well-wishers, the parties may resolve the dispute amicably. It is also submitted that petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs. 10,000/- (Ten Thousand) which shall commence from 5-11-2024.

4. The learned counsel appearing on behalf of the OP No. 2 fairly submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 10,000/- to the OP No. 2. It is also submitted that if petitioner is sent to judicial custody, chances for future reconciliation will also get marred.

5. 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 forward the same to the petitioner so that the monthly maintenance as agreed commences from 5-11-2024.

6. Considering the submission made by the learned counsel 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. 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 Bagaha Complaint Case No. 138 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

8. It is further made clear that if a court of competent jurisdiction fixes the maintenance, in that event, the present maintenance shall stop.

(Satyavrat Verma, J)

SUMIT/-

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

