

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47842 of 2023

Arising Out of PS. Case No.-528 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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BASANT SHARMA son of Anirudha Sharma Village- Suryapura Ps-
Suryapura Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi wife of Basant Sharma, D/o- Raj Kishor Sharma Village-
Suryapura Ps- Suryapura Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 22-04-2024 1. Heard learned counsel for the petitioner and

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

OP No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A of the

Indian Penal Code.

3. In compliance of the order dated 5-4-2024, the

petitioner and the OP No. 2 are present in the Court along with

their respective learned counsels.

4. The learned counsels for the parties jointly submit

that the case was referred for mediation, but then the mediation

failed.



5. Learned counsel for the petitioner submits that with passage of time, chances are bright that the petitioner and the OP No. 2 may come together along with their children. It is next submitted that the petitioner initially was staying with the OP No. 2 at Jaipur, where the children were studying but since he is the only child of his parents as such he had to come back to his native village to look after his ailing parents, which created the differences in between the petitioner and the OP No. 2. It is further submitted that petitioner till today is also willing to keep the children at Jaipur so that they continue with their studies, but he wants that the OP No. 2 stays with his parents at the native village so that they can be looked after well, to which the OP No. 2 is not ready on the pretext that even her parents are old and ailing at Jaipur. It is further submitted that the petitioner is a mechanics and earns around 15-20 thousand rupees a month. It is next submitted that no useful purpose would be served by sending the petitioner to jail as he is willing to pay a monthly maintenance of Rs. 6,000/- (Six thousand) to the OP No. 2 towards maintenance, which shall commence from 1-5-2024.

6. The learned counsel for the OP No. 2 also concurs with the submission of the learned counsel for the petitioner that no useful purpose would be served by sending the petitioner to



jail as petitioner is willing to pay the monthly maintenance.

7. 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 1-5-2024.

8. 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 trial court 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 Complaint Case No. 528(C) of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. 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.



10. The personal appearance of the petitioner and the
OP No. 2 is dispensed with.

(Satyavrat Verma, J)

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