

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49323 of 2023

Arising Out of PS. Case No.-1637 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Ram Kumar Sah S/O Baikunth Sah @ Baikunth Gupta R/O Village And Post
And Ps.- Darauli, Dist. Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Kumari W/O Ram Kumar Sah, D/O Vinod Prasad Gupta At Present
R/O Village- Andar Chiraiya More, Ps.- Andar, Dist. Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 19-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A,
341, 323, 307, 504, 506 and 34 of the Indian Penal Code and
Section 3 and 4 of the DP Act.

3. The learned counsels for the parties jointly submit
that the case was referred for mediation but then the mediation
failed.

4. The learned counsel for the petitioner submits that
the relationship has soured to an extent that it is not possible to
revive the conjugal relationship, but then the petitioner is



willing to pay a monthly maintenance of Rs. 5,000/- to the OP No. 2 and the children. It is next submitted that the petitioner is a poor person who works along with his family members in a roadside shop at Kolkata.

5. The learned counsel appearing on behalf of OP No. 2 also concurs with the submission made by the learned counsel for the petitioner that it is not possible in the present to revive the conjugal relationship, but then with passage of time, things may improve. It is further submitted that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay a monthly maintenance of Rs. 5,000/- for sustenance of the OP No. 2 and the children.

6. The learned counsel for the OP No. 2 submits that she will WhatsApp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel for the petitioner.

7. The learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance commences from 1-4-2024.

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. 1637 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.

(Satyavrat Verma, J)

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