

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49878 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- MAHILA PS District- Buxar

Nitesh Giri @ Nitesh Kumar Giri, Son Of Vijay Shankar Giri Resident Of
Village - Madho Math Nagwa, P.S. - Dabhar, District - Ballia (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Raj Kumari Devi, Wife Of Nitesh Giri @ Nitesh Kumar Giri Daughter Of
Suresh Bharti, Resident Of Village - Hathelipur Mathia, P.O. - Naya
Bhojpur, P.S. - Dumraon, District - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy- Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 05-03-2024 1. Heard learned counsel for the petitioner 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
Sections 323, 498(A), 379 and 34 of the Indian Penal Code and
Sections 3 and 4 of the D. P. Act.

3. The learned counsel for the petitioner submits that
opposite party no.2, despite receiving notice, validly chooses
not to appear and contest. It is next submitted that petitioner,
being husband, has been falsely implicated in the present case. It
is further submitted that opposite party no.2 refused to accept
notice issued by this Court, which amply demonstrates that she



is not interested in restituting her conjugal rights. It is further submitted that petitioner is always willing to keep the opposite party no.2 with honour and dignity. It is also submitted that petitioner works as a labourer at Bhopal.

4. Learned A.P.P. opposes the anticipatory bail application and submits that since it has been submitted by the learned counsel for the petitioner that petitioner is a labourer working at Bhopal, this perhaps explains why the opposite party no.2 refused to accept notice as she may not be in a financial position to contest the case before this Court.

5. On said submission of the learned Additional P. P., the learned counsel for the petitioner submits that though he is willing to keep the opposite party no.2 with honour and dignity, but since she has not appeared, hence in order to establish his bonafide, the petitioner is willing to pay a monthly maintenance of Rs.5,000/-, which shall commence from 01.04.2024.

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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Sub-Divisional Magistrate, Buxar in connection with Buxar (Mahila) P. S. Case No.18 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.

(Satyavrat Verma, J)

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