

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50610 of 2023

Arising Out of PS. Case No.-1582 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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ROBIN DAS Son of Late Asharfi Das Resident of village - Madhopara, Ward
No. 26, P.S. - K. Hat, Distt. - Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi W/o Robin Das, D/o Ram Chandra Das At present C/o Ram
Chandra Das, Madhopara, P.S. - K. Hat, Distt. - Purnia

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. (Mr.) Bidhu Ranjan, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 04-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
385 and 406 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner in compliance of the order dated 28.08.2024 had gone
to bring the opposite party no. 2 back from her parental home to
her matrimonial home but then she was not ready to accompany.
4. Though the petitioner was not directed to remain
physically present before this Court but then he on his own has
come to the Court.



5. The petitioner submitted that he had gone to bring back the opposite party no. 2 from her matrimonial home but then she is not ready to reconstitute her conjugal rights. It is further submitted that petitioner and opposite party no. 2 was married in the year 2002 and out of the wedlock, three children were born who presently are staying with the petitioner. It is next submitted that his elder son has been married and he also stays with him along with his wife. It is also submitted that petitioner right from the beginning is taking care of all his children but then the opposite party no. 2 for reasons best known is not willing to stay with him. It is further submitted that petitioner works as a painter and he is aware of his responsibility towards the opposite party no. 2 also but then submits that perhaps opposite party no. 2 has developed some feelings for some other person. It is next submitted that petitioner will keep paying an amount of Rs.2,000/- per month by way of maintenance to the opposite party no. 2 which shall commence from 23.09.2024 till she does not come back or they separate.

6. Learned counsel appearing on behalf of the opposite party no. 2 is not in a position to rebut the submissions of the petitioner that all three children along with the daughter-in-law are staying with the petitioner and he is taking care of



them.

7. Learned counsel for the opposite party no. 2 fairly submits 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.2,000/-. It is further submitted that the bank account number of the opposite party no. 2 will be WhatsApped on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 23.09.2024.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, let 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.5,000/- (Rupees Five 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 Complaint Case No. 1582 of 2022, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

10. However, it is made clear that the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not pay the maintenance amount as agreed for two consecutive months.

(Satyavrat Verma, J)

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