

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53826 of 2024

Arising Out of PS. Case No.-2452 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Dipak Kumar @ Dipak Rai son of Rakesh Rai Village- Shakri PS- Turki O
Ps- kudhani District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Dipak Kumar @ Dipak Rai, D/o- Lakhindar Rai
Village- Rahimpur Ps- Vaishali Dist- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Singh

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the O.P. No.2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 323, 498A,
504 and 34 of the Indian Penal Code & Sections 3/4 D.P. Act.

3. Learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the O.P. No.2. It is next submitted that presently
the relationship in between the petitioner and the O.P. No.2 has
deteriorated to an extent where it is not possible to revive the
conjugal relationship but then in future the parties may



reconcile, as such, no useful purpose would be served by sending the petitioner to jail which may mar the chance of future reconciliation. It is also submitted that petitioner being husband is aware of his responsibility towards the O.P. No.2. It is also submitted that petitioner is a labourer and earns an amount of Rs.12,000-15,000/- a month. It is next submitted based on instruction that the petitioner is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2, which shall commence from 05.11.2024.

5. The learned counsel appearing on behalf of the O.P. No.2 fairly submits that no useful purpose would be served by sending the petitioner to jail since the petitioner is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2. It is next submitted that the bank account number of the O.P. No.2 shall be whatsapped on the whatsapp number of the learned counsel appearing on behalf of the petitioner. 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 05.11.2024.

6. Considering the submissions made by the learned counsels 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.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.2452/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the O.P No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if the petitioner does not deposit the amount of maintenance, as agreed, for two consecutive months.

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

(Satyavrat Verma, J)

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