

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55484 of 2023

Arising Out of PS. Case No.-191 Year-2021 Thana- AANDAR District- Siwan

VIVEK YADAV @ VIVEK KUMAR son of Harishankar Yadav R/o-
Firozpur Ps- Aandar Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. KARISHMA DEVI D/o- Raju Yadav R/o- Sidhwal Ps- Hussainganj Dist-
Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-04-2024 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 offences punishable under Sections 498A,
376, 307, 504, 506 and 34 of the Indian Penal Code read with
Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case. It is further submitted that petitioner along with his
family members have also been implicated with false allegation.
It is next submitted that one can well imagine the plight of the



family when the daughter-in-law alleges that she was raped by her father-in-law and that too when the mother-in-law is alive and stays in the same house. It is further submitted that relationship in between the petitioner and the O.P. No. 2 has been strained to an extent where it is not possible to revive the conjugal relationship but then submits that petitioner is willing to pay a monthly maintenance of Rs. 8,000/- to the O.P. No. 2 which shall commence from 15.04.2024. It is further submitted that petitioner intended for a divorce by mutual consent but then the O.P. No. is not ready for the same hence after taking legal advice is going to file a divorce.

4. Learned counsel appearing on behalf of the O.P. No. 2 submits that he will *Whatsapp* the bank account number of the O.P. 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 15.04.2024.

5. 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. 10,000/- (Rupees Ten 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 Aandar P.S. Case No. 191 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that the O.P. 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 amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

