

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59441 of 2022

Arising Out of PS. Case No.-491 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

AKHILESH KUMAR CHAUDHARY @ BHOLA S/O- Late Jagdish Prasad
Chaudhary R/o- Village- Hanshi, P.S.- Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sweta Kumari @ Sweta Devi W/O- Akhilesh Kumar Chaudhary, D/O-
Manoj Jaiswal R/o – Village - Bihariganj, Ward No. 9, P.S. - Bihariganj,
District - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Dr. (Mr.) Bidhu Ranjan, Advocate
For the Opposite Party/s :	Mr. Rana Randhir Singh
For the O.P. No. 2 :	Mr. Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-03-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 498A of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being the husband of the opposite party no. 2, has
been falsely implicated in the present case. It is further
submitted that petitioner is a person with clean antecedent and
allegation is of demand of dowry and torture. It is next
submitted that petitioner has also filed a case under Section 9 of



the Hindu Marriage Act seeking restitution of his conjugal right which is pending in the court of learned Principal Judge, Family Court, Purnia. It is thus submitted that petitioner is always willing to restitute his conjugal right but then informant is reluctant in restituting her conjugal right with the petitioner. It is also submitted that based on instruction of the petitioner, he is willing to establish his bona fide by paying a monthly maintenance of Rs.3,500/- (rupees three thousand five hundred) to the opposite party no. 2.

4. The said submissions of the learned counsel appearing on behalf of the petitioner is not objected by the learned counsel appearing on behalf of the opposite party no. 2 rather it has been submitted by the learned counsel appearing on behalf of the opposite party no. 2 that he will Whatsapp the bank account number of the opposite party no. 2 on the Whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance commences from 18.03.2024 as agreed.

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

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 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. 491 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the opposite party no. 2 shall be at liberty to file an application before this Court seeking cancellation of 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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