

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55170 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- MAHILA PS District- Darbhanga

NAWAL KISHOR JHA S/O Anand Kishor Jha Resident of village- Kaithavar
P.S- Sakatpur, District- Darbhanga, Pin-

... .. Petitioner/s

Versus

1. The State of Bihar
2. PUSHPANJALI KUMAR W/O Nawal Kishore Jha, D/O Dhruv Choudhary
R/O Village- Lagma, Rambhadrapur, P.S- Sakatpur, District- Dharbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanchan Jha

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 17-05-2024 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 498A and
34 of the Indian Penal Code & Sections 3 and 4 of the D.P. Act.

3. Learned counsel for the petitioner submits that
petitioner made all endeavour to ensure that the O.P. No.2 along
with the children stays with him. It is also submitted that he
even got the children admitted in a school and was paying their
fees but then the O.P. No.2 is not interested in residing at a place
where the petitioner wants for the reason that she wants the



petitioner to stay with her when petitioner also has an old ailing mother and the petitioner takes care of her. It is further submitted that it appears that the O.P. No.2 is not willing to restitute her conjugal rights. It is further submitted that may be with passage of time and intervention of well wishers, the parties may come together but presently the relationship has soured. It is next submitted that no useful purpose would be served by sending the petitioner to jail, as petitioner is willing to pay a monthly maintenance of Rs.8000/- to the O.P. No.2 and the children as he presently is drawing a salary of Rs.26,000/- and also have to look after his old and ailing mother.

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 as the petitioner is willing to pay a monthly maintenance of Rs.8000/- 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 whats-app 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 01.06.2024.

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 Darbhanga Mahila P.S. Case No.27/2022, 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.

(Satyavrat Verma, J)

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