

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59846 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- BIKRAMGANJ District- Rohtas

SAURABH KUMAR SINGH @ SAURABH KUMAR @ SAURABH SINGH SON OF SRI SURENDRA PRASAD SINGH RESIDENT OF VILLAGE -TENDUNI WARD NO 2, PS- BIKRAMGANJ, DISTRICT- ROHTASH AT PRESENT HOUSE NO 12/133 INDRANAGAR, LUCKNOW

... .. Petitioner/s

Versus

1. The State of Bihar
2. SIMPI KUMARI DAUGHTER OF LATE RAGHUNATH SINGH RESIDENT OF VILLAGE- DANVAR, PS- KACHHVA, DIST- ROHTAS HOUSE OF GAYA SINHA SRI KRISHNANAGAR ADARSH COLONY PHED COLONY, AURANGABAD

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-04-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and Sri Krishna Prasad Singh learned Senior Counsel for the opposite party no. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 379, 498A, 506 and 34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the parties jointly submitted that the case was referred for mediation but then the mediation failed.

4. Learned counsel for the petitioner submits that the relationship in between the petitioner and the opposite party no. 2 has strained to an extent that for the present it is not possible to



revive the conjugal relationship but then submits that petitioner is willing to pay a monthly maintenance of Rs.15,000/- to the opposite party no. 2 and the child as the petitioner presently is getting a salary of Rs.58,000/- and odd. It is further submitted that petitioner is working in a private company at Haridwar.

5. Learned Senior Counsel appearing on behalf of the opposite party no. 2 submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.15,000/- to the opposite party no. 2 and the child. It is further submitted that with passage of time the wound may heal and the petitioner and the opposite party no. 2 may again come together but if the petitioner is sent to jail in that event the chances of reconciliation will become bleak. Learned Senior Counsel next submits that he will Whatsapp the bank account number of the opposite party no. 2 on the Whatsapp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner submits that he will communicate the same to the petitioner so that maintenance as agreed commences from 22.04.2024.

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 Bikramganj P.S. Case No. 215 of 2023, 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 seeking cancellation of anticipatory bail granted to the petitioner in the event the petitioner does not deposit the amount of maintenance as agreed for two consecutive months. It is further made clear that the present maintenance will be stopped the moment the maintenance case filed by the opposite party no. 2 is adjudicated by a court of competent jurisdiction.

8. Learned counsel for the petitioner undertakes to communicate about the pendency of the maintenance case filed by the opposite party no. 2 in the Court of learned Principal Judge, Family Court, Sasaram to the petitioner so that he may appear if he has not appeared till date.

(Satyavrat Verma, J)

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