

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62798 of 2024

Arising Out of PS. Case No.-959 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Jitendra Singh Son of Ganauri Singh @ Ganauri Ram R/o Village- Devri,
Gotibandhi, P.S.- Dumariya, District- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Reshmi Devi Wife of Jitendra Singh, D/o Pramod Singh R/o Village- Devri,
Gotibandhi, P.S.- Dumariya, District- Gaya (Bihar), at present residing at
Village- Dev, behind Suryamandir, P.S.- Dev, District- Aurangabad (Bihar)
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant/opposite party no. 2.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 379,
498A and 504 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
present case by the complainant with an allegation that her
marriage was solemnized with the petitioner on 05.06.2014.
After marriage, the accused persons started demanding dowry of
Rs.2 lakhs and on account of non-fulfillment of the demand,
complainant was tortured and the petitioner even tried to kill her



by calling an unknown person in the house but the complainant realizing that she may be killed fled away on 29.08.2023 from her matrimonial home.

4. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the allegation is general and omnibus in nature and does not inspire confidence. It is further submitted that before the learned trial court a mediation proceeding was conducted in which the complainant intended to get the dispute settled by way of one time settlement but the petitioner was not in a position to pay more than Rs.1 lakh by way of one time settlement as such the mediation failed and his anticipatory bail came to be rejected.

5. Learned counsel appearing on behalf of the complainant also submitted that complainant is interested in one time settlement.

6. At this stage, learned counsel appearing on behalf of the petitioner submits that the petitioner earns an amount of Rs.8,000/- to Rs.10,000/- per month and he has other responsibilities also to take care of but then as husband he is willing to pay a monthly maintenance of Rs.3,000/-. It is further submitted that presently the relationship has soured to an extent



where it is not possible to revive the conjugal relationship but then with passage of time and on an intervention of will-wishers, the parties may resolve their dispute amicably.

7. Learned counsel appearing on behalf of the complainant also submits that since petitioner is willing to pay a monthly maintenance of Rs.3,000/- as such no useful purpose would be served by sending him to jail as chances of future reconciliation will become bleak. It is further submitted that the bank account number of the complainant shall be WhasApped on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly as agreed commences from 10.10.2024.

8. Learned A.P.P. for the State is present.

9. Considering the submissions made by the learned counsel for the petitioner, let 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. 959 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

11. It is made clear that the present maintenance will stop if the court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

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