

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61751 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Hemant Kumar Son of Ramshankar Singh R/o Village- Singhma, P.S.-
Matihani, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hira Kumari W/o Hemant Kumar R/o Village- Singhma, P.S.- Matihani,
District- Begusarai. At present D/o Nawal Singh, R/o Village- Achuara, P.S.-
Barh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2024 **1.** Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for OP

No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 323, 406,

498A, 504 and 34 of the Indian Penal Code read with Sections 3

and 4 of the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that

the relationship in between the petitioner and the OP No. 2 has

deteriorated to an extent where it is not possible to revive the

conjugal relationship for the present, but with passage of time,

the parties may reconcile on intervention of well-wishers. It is



also submitted that petitioner is willing to pay a monthly maintenance of Rs. 4,000/- (Four Thousand/-) which shall commence from 31-12-2024.

4. The learned counsel appearing on behalf of the OP No. 2 also submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay monthly maintenance of Rs. 4,000/-. It is next submitted that if petitioner is sent to judicial custody, chances for future reconciliation will also get marred.

5. The learned counsel for the OP No. 2 next submits that he will WhatsApp the bank account number of the OP 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 commences from 31-12-2024.

6. Considering the submission made by the learned counsel for the parties, 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. 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. 226(C) of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that OP 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 monthly maintenance as agreed for two consecutive months.

8. It is further made clear that if a court of competent jurisdiction fixes the maintenance, in that event, the present maintenance shall stop.

(Satyavrat Verma, J)

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