

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60249 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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PANKAJ BHAGAT SON OF SRI MAHESH PRASAD BHAGAT
RESIDENT OF VILLAGE- OODLABARI, PO- MANABARI, POLICE
STATION -MAL, DISTT- JALPARIGURI , WEST BENGAL

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAJ LAXMI GUPTA WIFE OF PANKAJ BHAGAT RESIDENT OF
VILLAGE- SAKRI GALI, PS- ALAMGANJ, DISTT- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md. Anis Akhtar
For the Opposite Party/s	:	Mr. Dr. Kumar Uday Pratap
For the O.P. No. 2	:	Mr. Deepak Kumar Mr. Pankjesh Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 09-04-2024 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 offences punishable under Sections 323, 379,

467, 498(A) and 34 of the Indian Penal Code read with Sections

3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the parties jointly submits that

the case was referred for mediation but then the mediation

failed.

4. Learned counsel appearing on behalf of the



petitioner submits that the relationship in between the petitioner and the O.P. No. 2 has strained to an extent where it is not possible to revive the conjugal relationship presently, but then the petitioner is willing to pay a monthly maintenance of Rs. 5,000/- to the O.P. No. 2 which shall commence from 01.05.2024.

5. The learned counsel appearing on behalf of the O.P. No. 2, based on instruction, 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. 5,000/- to the O.P. No. 2. It is also submitted that with passage of time, the wound may heal and the petitioner and O.P. No. 2 may come together, but if the petitioner is sent to jail, the chances of future reconciliation, if any, will also fail. It is further submitted that he will *Whatsapp* the bank account number of the O.P. 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, as agreed, commences from 01.05.2024.

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

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two 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 Complaint Case No. 294(c) of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that the O.P. 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 amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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