

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64563 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Vikash Kumar Son of Ravindra Prasad Resident of Village- Rahima, P.S.-
Barh, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babli Kumari Wife of Vikash Kumar, D/O- Ashok Kumar Resident of
Village- Rahima, P.S.- Barh, Distt.- Patna, at present R/O- Village-
Jalgovind, P.S.- Barh, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap
For the Opposite Party/s	:	Md. Nazir Ansari
		Mr. Arjun Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 217-10-2024
1.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the OP No. 2.
2.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A of
the Indian Penal Code and Sections 3 and 4 of D.P. Act.
3.

The learned counsel appearing on behalf of the
petitioner submits that petitioner being husband has been falsely
implicated in the instant case by the OP No. 2. It is next
submitted that petitioner is always willing to keep the OP No. 2
with honor and dignity, but in the present, the relationship has



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

4. The learned counsel for the petitioner based on instruction submits that petitioner being husband is aware of his responsibility. It is next submitted that petitioner is willing to pay a monthly maintenance to Rs. 8,000/- (Eight Thousand) to the OP No. 2 which shall commence from 31-10-2024.

5. The learned counsel appearing on behalf of the OP No. 2 fairly 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. 8,000/-. It is also submitted that if petitioner shall be sent to judicial custody, the chances of getting the issue resolved in future amicably will also get marred.

6. The learned counsel appearing on behalf of the OP No. 2 further submits that he will WhatsApp the bank account number of the OP 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 undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 31-10-2024.



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. 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 Complaint Case No. C-54 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the OP No. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if petitioner does not credit the amount of maintenance as agreed for two consecutive months.

9. 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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