

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61903 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHILA P.S. District- Vaishali

Nilmani @ Nilmani Yadav Son of Dinbandhu Yadav Resident of Village-
Mohiuddinpur (Panchayat - Chakthakursi Urf Kusiari), P.O. - Bidupur (RS),
P.S. - Bidupur, District -Vaishali, PIN - 844502

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Nilmani @ Nilmani Yadav, D/o. Jagwali Rai Resident of
Village and Post - Mohiuddinpur, P.S. - Bidupur, District - Vaishali, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti
For the Opposite Party/s : Ms.Pushpa Sinha.1

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 341, 323,

324, 498A, 379 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

petitioner, being husband, has been falsely implicated in the

instant case by the OP No. 2. It is next submitted 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. It is also submitted that petitioner has filed Divorce Case No. 531 of 2023, which is pending adjudication in the court of learned Principal Judge, Family Court, Hajipur. It is further submitted that OP No. 2 has also filed Maintenance Case No. 335 of 2023 in the court of learned Principal Judge, Family Court, Hajipur and the learned Family Court by an order dated 8-10-2024 has directed the petitioner to pay a interim maintenance of Rs. 8,000/- (Eight Thousand) per month. It is next submitted that petitioner is paying the interim maintenance in compliance of the order of the learned Family Court dated 8-10-2024 in Maintenance Case No. 335 of 2023. It is thus submitted that no useful purpose would be served by sending the petitioner to jail as the petitioner is contesting the divorce case.

4. The learned counsel for the OP No. 2 submits that he does not have any instruction on the issue that as to whether learned Family Court, Hajipur has passed order dated 8-10-2024, whereby interim maintenance of Rs. 8,000/- has been awarded.

5. Considering the submission 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 court below where the case is pending/successor court in connection with Mahila PS. Case No. 38 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, 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 it is found that the anticipatory bail has been obtained by misleading this Court, i.e., no order of any interim maintenance has been passed by the learned Family Court, Hajipur and if the order of interim maintenance has been passed and the petitioner is not paying the interim maintenance, in that event also the OP No. 2 shall be at liberty to seek cancellation of the anticipatory bail granted to the petitioner before this Court.

(Satyavrat Verma, J)

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