

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61849 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- BIDUPUR District- Vaishali

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SUNIL SINGH @ SUNIL KUMAR S/O CHANDESHWAR SINGH R/O
VILLAGE- KHILWAT, PS. BIDUPUR, DIST. VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Munni Devi, W/o Sunil Singh @ Sunil Kumar, Resident of Village
KHILWAT, PS. BIDUPUR, DIST. VAISHALI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 494 and 498(A)/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
opposite party no. 2, despite receiving notice, chooses not to
appear and contest the case. It is further submitted that from
perusal of the address of the opposite party no. 2 as recorded in
the FIR, it would manifest that the address of the opposite party
no. 2 is same as that of the petitioner. It is next submitted that no
doubt, the petitioner has been implicated in the present case but
then the opposite party no. 2 along with her daughter are staying
in the same house with the petitioner and that perhaps explains



why the address as furnished by the opposite party no. 2 in the FIR is same as that of the petitioner. It is also submitted that the opposite party no. 2 along with the child is staying in the house of the petitioner and the petitioner is taking good care of them but is on the run on account of institution of the present case. It is submitted that since the opposite party no. 2 along with the child is staying in the house of the petitioner, this perhaps explains why the opposite party no. 2 despite receiving notice chooses not to contest.

4. Learned counsel for the petitioner, at this stage, submits that he has instruction to make submission that the petitioner in order to establish his bona fide is also willing to pay a monthly maintenance of Rs.4,000/- (rupees four thousand) to the opposite party no. 2 and the maintenance amount as agreed by the petitioner shall be credited in the account of the opposite party no. 2 and the same shall commence from 01.04.2024.

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

6. 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 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 Bidupur P.S. Case No. 235 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 the opposite party no. 2 shall be at liberty to file an application 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.

(Satyavrat Verma, J)

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