

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62549 of 2023

Arising Out of PS. Case No.-2523 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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OMKAR NATH MISHRA SON OF RAMPATI MISHRA Resident of
VILLAGE- BIHIYA MATHIN MAI ROAD, JUDGE BAZAR, PS- BIHIYA,
DIST- BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. SONAM KUMARI PANDEY @ SONAM KUMARI @ SONAM PANDEY
D/O DINA NATH PANDEY Resident of VILLAGE- AWADHPUR, PO-
DILARPUR, PS- MANIHARI, DIST- KATIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 16-04-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of
the Indian Penal Code and Section 4 of the Dowry Prohibition
Act.
3. Learned counsel for the parties jointly submitted
that the matter was referred for mediation but then the mediation
failed.
4. Learned counsel for the petitioner submits that the
relation in between the petitioner and the opposite party no. 2



has deteriorated to an extent that for the present, it is not possible to revive the conjugal relationship but then with passage of time things may improve. It is further submitted that petitioner has a small medical shop and earns about Rs.10,000/- to Rs.12,000/- per month and also has to look after his mother who presently is suffering from kidney disease and is on dialysis. It is next submitted that petitioner has also filed Matrimonial Case No. 295 of 2019, under Section 13 of the Hindu Marriage Act, which is pending adjudication in the Court of learned Principal Judge, Family Court, Bhojpur at Ara. It is also submitted that petitioner is willing to pay a monthly maintenance of Rs.3,000/- per month to the opposite party no. 2 which shall commence from 29.04.2024.

5. Learned counsel appearing on behalf of the opposite party no. 2 submits that no useful purpose would be served by sending the petitioner to jail when he is willing to pay a monthly maintenance of Rs.3,000/- to the opposite party no. 2. It is further submitted that the saving bank account number of the opposite party no. 2 shall be Whatsapp on the Whatsapp number of the learned counsel appearing on behalf of the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly



maintenance as agreed commences from 29.04.2024.

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 Complaint Case No. 2523 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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