

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66523 of 2023

Arising Out of PS. Case No.-249 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SINTU PRASAD S/O KAMESHWAR PRASAD @ KAMESHWAR BIND
VILLAGE BHAGWANPUR, PS- CHAINPUR, DIST- KAIMUR AT
BHABUA

... .. Petitioner/s

Versus

1. The State of Bihar
2. PUNAM DEVI SINTU PRASAD VILLAGE BASNARA
3. PUNAM DEVI WIFE OF SINTU PRASAD, D/O ROGI BIND VILLAGE-
BASNARA, PS- CHENARI, DIST- ROHTAS AT SASARAM

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that
notices on behalf of the O.P. No. 2 was received by her *Bhabhi*,
accordingly, an application of jointness has been filed.

3. In view of the submission made by the learned
counsel for the petitioner, the notice is deemed to have been
validly served.

4. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323 and
498(A) of the Indian Penal Code.



5. Learned counsel for the petitioner submits that the petitioner being husband has been falsely implicated in the present case, it is further submitted that a joint petition was filed by the petitioner and the O.P. No. 2 before the *Sarpanch* of the village that they do not want to live together and sought divorce, but was advised by the *Sarpanch* to move before an appropriate forum for seeking divorce, It is next submitted that till date divorce has not been obtained. The learned counsel further submits that O.P. No. 2 despite receiving notice validly, chooses not to appear and contest which amply demonstrates that O.P. No. 2 is not interested in reviving her conjugal relationship. It is also submitted that petitioner is a poor person and earns about Rs. 8,000-10,000/- per month.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, submits that what is not disputed rather stands admitted is that the marriage in between the petitioner and the O.P. No. 2 is still subsisting. It is also submitted that it may be a possibility that the O.P. No. 2 may not be having financial support to contest the case before this Court, as such, even after receiving notice she chooses not to appear, on which the learned counsel appearing on behalf of the petitioner submits that he has instruction to make submission on behalf of the petitioner that



petitioner is willing to pay a monthly maintenance of Rs. 2,500/- to the O.P. No. 2. It is next submitted that the said submission, on instruction, has been made as the petitioner intends to establish his *bona fides*. It is also submitted that the maintenance, as agreed, shall commence from 01.04.2024.

7. The learned APP for the State also does not oppose the anticipatory bail of the petitioner based on submission of the learned counsel for the petitioner.

8. 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. 10,000/- (Rupees Ten 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. 249 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of maintenance, as



agreed, for two consecutive dates.

(Satyavrat Verma, J)

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