

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71200 of 2023

Arising Out of PS. Case No.-314 Year-2022 Thana- AIRPORT District- Patna

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ABHISHEK KUMAR SON OF ANIL KUMAR SINGH RESIDENT OF
MOHALL-ROAD NO-08 ASHOK NAGAR, DAKHO BHAWAN P.S-
KANKARBAGH DISTT-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHRUTI KUMARI DAUGHTER OF SRI RAJ KUMAR SINGH, WIFE OF
SRI ABHISHEK KUMAR RESIDENT OF 101 A, RADHEY SHYAM
APARTMENT, LOHIYA PATH AT JAGDEO PATH, P.O.-B.V.COLLEGE
P.S-HAWAI ADDA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Chandra Mohan Jha, Advocate
For the Opposite Party/s :	Mr.Md. Iftekhhar Mahmood, APP
	Mr. S.K. Lal, Advocate
	Mr. Arvind Kumar Srivastava, Adv.
	Mr. Pritish Kumar Lal, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 21-08-2024 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party no.
2.

2. Learned counsel for the petitioner submits that initially a case was instituted under Section 341, 323, 313, 504, 506 and 498/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act. It is next submitted that the police after investigation submitted charge sheet finding the case to be true under Sections 341, 323, 498A, 504 and 506/34 of the Indian Penal Code and read with section 3/4 of the Dowry



Prohibition Act.

3. Learned counsel for the petitioner next submitted that the allegation of getting the child aborted was found false. It is further submitted that the marriage of the petitioner was performed with the opposite party no. 2 on 29.11.2021 concealing the fact that she was suffering from some mental ailments in support of which the petitioner relies on certain prescription annexed as Annexure-2 series of the year 2019 onwards to demonstrate that the informant prior to her marriage was on treatment. It is also submitted that the petitioner on 21.10.2022 instituted a divorce case bearing Divorce Case No. 1446 of 2022 which is pending adjudication in the Court of learned Principal Judge, Family Court, Patna. It is further submitted that the opposite party no. 2 has appeared and the case is proceeding but for the present FIR, the petitioner is facing difficulty in contesting the divorce case. It is next submitted that the instant FIR came to be instituted on 20.12.2022 i.e. two months after the divorce case was instituted by the petitioner. It is also submitted, based on instruction, that the petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs. 7,000/- to the opposite party no. 2 which shall commence from 02.09.2024.



4. Learned counsel appearing on behalf of the opposite party no. 2 fairly submits that no useful purpose would be served by sending the petitioner to jail when the petitioner is willing to pay a monthly maintenance of Rs. 7,000/-. It is also submitted that bank account number of the opposite party no. 2 shall be Whatsapped on the Whatsapp number of learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the petitioner so that monthly maintenance, as agreed, commences from 02.09.2024.

5. Considering the submission put forward by the parties, let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Hawaii Adda P.S. Case No. 314 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

6. However, 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 amount of maintenance, as agreed, for two consecutive months.

7. It is further made clear that the present maintenance will stop in the event if the maintenance is decided by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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