

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66779 of 2023

Arising Out of PS. Case No.-293 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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JITENDRA KAMAT S/O- LATE SHANKAR KAMAT R/O- VILLAGE-
JAFRA, P.S.- BISFI (PATAUNA-O.P.), DIST.- MADHUBANI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR, PATNA
2. KHUSHBU DEVI W/O- JITENTRA KAMAT R/O- VILLAGE- JAFRA,
P.S.- BISFI, DIST.- MADHUBANI AT PRESENT RESIDING AT
VILLAGE- LOHA KAPSHIYA, P.S.- ARER, DIST.- MADHUBANI.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jha
For the Opposite Party/s : Ms. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-04-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel appearing

on behalf of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 498A and

34 of the Indian Penal Code.

3. Learned counsels for the parties jointly submitted

that the case was referred for mediation but then mediation

failed.

4. Learned counsel for the petitioner submits that

petitioner has certain grievances with the O.P. No. 2, as such, for

the present it is not possible to revive the conjugal relationship,



but then the learned counsel for the petitioner fairly submits that with passage of time, the parties may reconcile, as such, no useful purpose would be served by sending the petitioner to jail, when petitioner, who works as a domestic help at Delhi, is willing to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2. It is further submitted that if the petitioner is sent to judicial custody, the chances of future reconciliation will also become bleak.

5. The learned counsel appearing on behalf of the O.P. No. 2 also concurs with the submission of the learned counsel for the petitioner and submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2. It is further submitted that he will *Whatsapp* the bank account number of the O.P. No. 2 on the *Whatsapp* number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance, as agreed, commences from 01.05.2024.

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 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. 293 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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