

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66898 of 2023

Arising Out of PS. Case No.-1354 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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RAJ KUMAR SAH @ DABLU @ RAJ KUMAR GUPTA Son of Om
Prakash Sah R/o vill - Saidpur Chaknur, P.S. - Dighwara, Distt. - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari Wife of Raj Kumar Gupta @ Raj Kumar Sah @ Dablu, D/o
Shri Keshav Sah R/o vill - Meena Bazar, Sonpur, P.S. - Sonpur, Dist - Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-03-2024 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 offence punishable under Sections 498(A), 323 and 34 of the Indian Penal Code & Sections 3 & 4 of the D.P. Act.

3. The learned counsel for the petitioner submits that from office report dated 07.03.2024, it would manifest that the same records that the notice on behalf of the O.P. No.2 has been received by her brother. Since the notice on behalf of the O.P. No.2 has been received by her brother, hence it would be deemed to have been validly served.



4. The learned counsel next submits that the relationship in between the petitioner and the O.P. No.2 has soured to an extent that it is not possible to revive conjugal relationship. It is also submitted that petitioner has filed Divorce Case No.114/2020, which is pending adjudication in the court of learned Principal Judge, Family Court, Saran at Chapra.

5. The learned APP Mr. Chandra Bhushan Prasad submits that relationship might have soured in between the petitioner and the O.P. No.2 but then the marriage till date is subsisting and it may be a possibility that on account of facing financial difficulties, the O.P. No.2 is not in a position to approach this court through a learned lawyer. It is also submitted that as submitted by learned counsel for the petitioner that divorce case is still pending adjudication.

6. At this stage, the learned counsel for the petitioner submits that petitioner is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2, which shall commence from 01.04.2024.

7. 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.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.1354/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that O.P. 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 maintenance amount as agreed for two consecutive months.

(Satyavrat Verma, J)

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