

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66623 of 2022

Arising Out of PS. Case No.-1763 Year-2019 Thana- COMPLAINT CASE District- Banka

VIVEK KUMAR @ BIBEK KUMAR Son of Vijay Prasad Bhagat Resident of Village - Naraini, P.O.- Naraini, P.S.- Hanwara, District - Godda (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Megha Wife of Vivek Kumar Daughter of Vijay Kumar Jaiswal, Resident of - Panjwara, P.O. and P.S.- Panjwara, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 18-03-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the O.P. No.2.
2. The petitioner apprehends his arrest in Complaint Case No.1763/2019, registered for the offence punishable under Sections 323, 498A of the Indian Penal Code & Sections 3/4 D.P.Act, pending in the court of learned SDJM, Banka.
3. Learned counsel for the O.P. No.2 submits that it is the bounden duty of the husband to ensure the well-being of his wife but then the petitioner is not even willing to pay a descent maintenance amount. It is further submitted that the petitioner is a propertied person and is having landed property as well as medical shop and at times also does contractual work but still is



not willing to maintain the O.P. No.2. It is further submitted that the O.P. No.2 has been ousted from her matrimonial home in the year 2019 and in between 2019 till date, the petitioner has not paid a single farthing towards maintenance nor made any effort in these four years to bring back the O.P. No.2 to her matrimonial home.

4. Learned counsel appearing on behalf of the petitioner vehemently rebuts the submission made by the learned counsel for the O.P. No.2 and submits that the petitioner does not have a medical shop, he does not do contractual work nor has any landed property rather petitioner is a poor person and is willing to keep the O.P. No.2 with honour and dignity, on which, the learned counsel for the O.P. No.2 submits that had the petitioner really been interested in keeping the O.P. No.2 with honour and dignity then in these five years, the petitioner would have made an effort to bring back the O.P. No.2 back to her matrimonial home but was enjoying his life without taking responsibility of maintaining the O.P. No.2. It is also submitted that the conduct of the petitioner in not maintaining the O.P. No.2 for five years amply demonstrates his conduct, it is also submitted that petitioner is not interested in keeping the O.P. No.2 with honour and dignity rather for the purpose of



anticipatory bail, it has been submitted on behalf of the petitioner that he is willing to keep her with honour and dignity.

5. Considering the submissions made by the learned counsel for the O.P. No.2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. Accordingly, the anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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