

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77660 of 2023**

Arising Out of PS. Case No.-7156 Year-2021 Thana- PATNA COMPLAINT CASE District-  
Patna

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Sujit Kumar Son Of Devendra Paswan R/O Village- Patel Nager, P.S.-  
Harnaut, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Archana Kumari Daughter Of Ishwar Paswan, Wife Of Sujit Kumar R/O  
Village- Patel Nagar, P.S.- Harnaut, Dist.- Nalanda At Present Resident At In  
Front Of New Museum Kabutarkhana Room No. 504, P.S.- Kotwali, Dist.-  
Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rudra Deo, Advocate  
For the Opposite Party/s : Mr.Surendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      20-06-2024                      Heard learned counsel for the petitioner, learned APP  
  
for the State and learned counsel appearing on behalf of the O.P.  
  
No.2.

2. The petitioner seeks bail in anticipation of his arrest  
  
in a case registered for the offences punishable under Sections  
  
498(A), 323 of the IPC and 4 of the D.P. Act in connection with  
  
Complaint Case No.7156 of 2021.

3. The learned counsel for the petitioner submits that  
  
petitioner being husband has been falsely implicated in the  
  
instant case by the O.P. No.2, it is next submitted that the  
  
relationship of the petitioner with the O.P. No.2 has soured to an  
  
extent where it is not possible to revive the conjugal



relationship.

4. It is further submitted that out of the wedlock three children were born, two daughters and a son. It is submitted that petitioner is taking care of the studies of the children and is also paying a monthly maintenance of Rs.15,000/- to the O.P. No.2. It is next submitted that petitioner has purchased a piece of land in his village after taking loan from the bank and thus is paying an EMI of Rs.16,000/- and is also paying Rs.6000/- to bank towards personal loan which he had obtained.

5. It is further submitted that petitioner is employed with the STF, Patna and draws a salary of Rs.65,000/-, out of which he is paying Rs.15,000/- to the O.P. No.2, Rs.22,000/- to the bank as recorded herein above and thus is left with nearly Rs.23,000/- per month.

6. It is next submitted that petitioner is ready and willing to bear the cost of studies of his children who presently are studying at Harnaut. It is submitted that petitioner will take care of the studies of the children including books and dress.

7. It is also submitted that petitioner is aware of his responsibilities and will not shirk from discharging his responsibility towards the children.

8. The learned counsel appearing on behalf of the O.P.



No.2 also submits that no useful purpose would be served by sending the petitioner to jail as petitioner is paying a monthly maintenance of Rs.15,000/- and has also agreed to bear the cost of studies of the children.

9. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Complain Case No.7156 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. 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 petitioner does not deposit the monthly maintenance which he is paying for two consecutive months.

11. The application stands allowed.

**(Satyavrat Verma, J)**

Prakash Narayan

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