

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73555 of 2023**

Arising Out of PS. Case No.-569 Year-2020 Thana- PATNA COMPLAINT CASE District-  
Patna

=====

Pappu Kumar S/O Late Ganga Sao Village- New Aitwarpur, Ps. Parsa Bazar,  
Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Khhushabu Kumari W/O Pappu Kumar, D/O Shiv Shankar Saw Village-  
Lalu Path, New Aitwarpur, Ps. Parsa Bazar, Dist. Patna

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Ahmad Ali

=====

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

ORAL ORDER

5      02-07-2024                      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 offences punishable under Sections 323, 506  
and 498A of the Indian Penal Code and Sections 3 and 4 of the  
DP Act.

3.    The learned counsel for the petitioner submits that  
from perusal of office report dated 28-6-2024, it would manifest  
that the same records that OP No. 2 could not be traced out as  
the village was very large. It is next submitted that notice in  
compliance of the order dated 29-11-2023 was sent on the  
address as mentioned in the complaint case.



4. At this stage the learned counsel for the petitioner submits that the relationship in between the petitioner and the OP No. 2 has soured to an extent where it is not possible to revive the conjugal relationship and the instant criminal case came to be instituted after the petitioner had filed an application seeking divorce under Section 13 of the Hindu Marriage Act. It is further submitted that the petitioner is willing to pay a monthly maintenance of Rs. 3,000/- (three thousand) to the OP No. 2 till the divorce case is not adjudicated on merit.

5. Learned A.P.P. for the State though opposes the prayer for anticipatory bail of the petitioner but then 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. 3,000/- as it has been submitted that petitioner works in a shop..

6. Since the petitioner is willing to pay a monthly maintenance, as such, 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. 569(C) of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that OP 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 monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

SUMIT/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

