

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80214 of 2023**

Arising Out of PS. Case No.-3550 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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JAIKANT RAI @ JAIKANT KUMAR @ RAKAYKANT RAI Son of
Jawahar Rai @ Jawaharlal Rai R/o- Badiha Turki PS- Patepur Dist- vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari wife of Jaikant Rai R/o- Milki Maricha Ps- Mahua Dist-
Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh
For the Opposite Party/s	:	Mr. Dashrath Mehta
For the O.P. No. 2	:	Mr. Anuj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-06-2024 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 Section 498(A)
of the Indian Penal Code.

3. 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 in between the petitioner and the O.P. No. 2 has
soured to an extent where it is not possible to revive the



conjugal relationship. It is also submitted that petitioner has filed a divorce case which is pending adjudication in the Court of learned Principal Judge, Family Court Vaishali at Hajipur. It is further submitted that even the O.P. No. 2 has filed a maintenance case which is pending adjudication

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that O.P. No. 2 was married to the petitioner in the year 2019 and 20 days after the marriage, she was ousted from her matrimonial home and presently she is living at her parental home, but then petitioner in these five years has not paid a single penny towards her maintenance and thus one can well imagine the plight of the O.P. No. 2, on which the learned counsel for the petitioner, based on instruction, submits that he has instructions to make submission that petitioner for the present is willing to pay a monthly maintenance of Rs. 4,000/- to the O.P. No. 2 which shall commence from 01.07.2024..

5. The learned counsel appearing on behalf of the O.P. No. 2 submits that since petitioner is willing to pay a monthly maintenance, as such, no useful purpose would be served by sending the petitioner to jail.



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. 3550 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 once the maintenance case is decided by the learned Principal Judge, Family Court, Hajipur where it is pending adjudication, in that event the present maintenance shall stop.

8. 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 pay the amount of monthly maintenance, as agreed, for two consecutive months.

9. The learned counsel appearing on behalf of the



O.P. No. 2, at this stage, submits that petitioner is deliberately evading the notices being sent in the maintenance case, on which the learned counsel for the petitioner submits that since now he is aware, he will communicate the petitioner about the pendency of maintenance case no. 131 of 2022 pending in the Court of learned Principal Judge, Family Court, Hajipur and assure that the petitioner shall appear.

(Satyavrat Verma, J)

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