

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81391 of 2023

Arising Out of PS. Case No.-2530 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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SANJAY BHAGAT @ SANJAY KUMAR SON OF BHARAT LAL
BHAGAT R/O VILLAGE- MURADPUR, P.O.- BHIKHANPUR, P.S.-
AHIAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MEETA KUMARI D/O MAHENDRA BHAGAT R/O VILLAGE-
ANANDSIDDHI, IN FRONT OF DURGA APARTMENT, MAHESH
NAGAR, ROAD NO.1, P.S.- PATLIPUTRA, DISTRICT- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-07-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the
complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 498A of the
Indian Penal Code.

3. The petitioner and the complainant, in compliance
of the order dated 25.06.2024, are present in the Court along
with their respective learned counsel.

4. The petitioner, who is present in the Court, submits
that presently the relationship in between him and the
complainant has soured to an extent where it is not possible to



revive the conjugal relationship on which the complainant also submits that she is fed up with the torture of the petitioner and his family members and is not willing to join him. It is further submitted that a girl child was born in the year 2008 who presently is staying with the complainant who has been ousted from her matrimonial home in the year 2019. It is next submitted that the child presently is aged about 15 years and she has done her matriculation and intends to pursue her higher study.

5. The complainant further submits that she presently is working with an NGO and receives salary of Rs.10,500/- per month as such she is not in a position to take the responsibility of the child all alone by herself as she is facing financial crunch on which the petitioner, who is present in the Court, submits that he is willing to pay a monthly maintenance of Rs.6,000/- per month to the complainant as he is earning about Rs.18,000/- at Dadra Nagar Haveli where he works as a contract labour. It is further submitted that an amount of Rs.8,000/- is spent towards fooding and lodging as such he is left with Rs.11,000/-.

6. The opposite party no. 2 submits that it is a mere oral submission not substantiated by any documentary evidence.

7. Learned counsel for the petitioner, at this stage,



submits that though presently it appears that the petitioner and the complainant are not willing to reconstitute their conjugal rights but then no useful purpose would be served by sending the petitioner to jail and he is willing to pay a monthly maintenance of Rs.6,000/- to the complainant. It is further submitted that may be with passage of time and on intervention of the well-wishers the parties may come together but if petitioner is sent to judicial custody the chances of compromise will become bleak.

8. Learned counsel appearing on behalf of the complainant also concurs with the submission of the learned counsel appearing on behalf of the petitioner in presence of the complainant and submits that no useful purpose would be served by sending the petitioner to jail when he is willing to pay a monthly maintenance of Rs.6,000/-. It is further submitted that the complainant at this stage submits that she will provide her bank account number to the petitioner on which the petitioner submits that the maintenance will commence from 22.07.2024.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

10. 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 court below where the case is pending/successor court in connection with Complaint Case No. 2530 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner if the petitioner does not pay the monthly maintenance of Rs.6,000/- as agreed for two consecutive months.

12. It is made clear that this maintenance will stop the moment the Court of competent Jurisdiction decides the maintenance case.

(Satyavrat Verma, J)

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