

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81489 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Kanhaiya Ram @ Kanhaiya Kumar Ram Son of Late Upendra Ram R/o vill -
Hariharpur, P.S. - Rautara, distt. - Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rubi Devi Wife of Kanhaiya Ram, D/o Janardan Rai R/o vill - Mahinathpur,
P.S. - Korha, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Musowir

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-04-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

OP No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 504,
506, 313 and 498A of the Indian Penal Code read with Sections
3 and 4 of the Dowry Prohibition Act.

3. The learned counsels for the parties jointly submit
that the case was referred for mediation but then the mediation
failed.

4. The learned counsel for the petitioner submits that
the relationship of the petitioner with the OP No. 2 has



deteriorated to an extent where it is not possible to revive the conjugal relationship in the present but then with passage of time, the parties may reconcile. It is further submitted that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 4,000/- (four thousand) to the OP No. 2 and child. It is also submitted that petitioner is a labourer. It is next submitted that the maintenance as agreed shall commence from 1-5-2024.

5. Learned counsel appearing on behalf of the OP No. 2 also very fairly submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance to OP No. 2 and child; and may be in future, the parties may reconcile with intervention of well-wishers.

6. The learned counsel for the OP No. 2 submits that he will WhatsApp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance commences from 1-5-2024.

7. Considering the submissions made by the learned counsels for the parties, 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. 5,000/- (Rupees Five 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 C.A Case No. 113 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. 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)

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