

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81306 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- MAHILA P.S District- West Champaran

Rajesh Prasad Son Of Hiralal Prasad Resident Of Village- Baikunthwa, Police
Station- Nautan, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari @ Rubi Kumari Wife Of Rajesh Prasad Resident Of Village- Baikunthwa, Police Station- Nautan, District- West Champaran Presently Residing At Kamalnath Nagar, Near Hero Service Centre, Daughter Of Dinesh Prasad, Police Station- Bettiah Town, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-06-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the OP No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A,
341, 342, 323, 354B, 379, 504, 506 and 34 of the Indian Penal
Code and Sections 3 and 4 of Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case. It is next submitted that 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. It is also submitted that petitioner has also filed a divorce case which is pending adjudication.

4. The learned counsel appearing on behalf of the OP No. 2 submits that OP No. 2 was married to the petitioner in the year 2013 and out of wedlock, two children were born and the petitioner has kept the children with himself and does not allow the OP No. 2 even to meet them, on which the learned counsel for the petitioner submits that petitioner never objected OP No. 2 meeting the children as such whenever the OP No. 2 intends, she can come and meet the children in the house, on which the learned counsel appearing on behalf of the OP No. 2 submits that OP No. 2 on Monday and Sunday of every week will go to the house of the petitioner for meeting the children for three hours, the said submission of the learned counsel appearing on behalf of the OP No. 2 is not objected by the learned counsel appearing on behalf of the petitioner.

5. The learned counsel for the OP No. 2 further submits that OP No. 2 has been ousted from her matrimonial home in the year 2022 and for the last two years, no maintenance amount has been paid as such one can well imagine the plight of the OP No. 2, on which the learned



counsel appearing on behalf of the petitioner based on instruction submits that petitioner is not averse to maintaining the OP No. 2 and is ready to pay monthly maintenance of Rs. 7,000/- (seven thousand), which shall commence from 1-7-2024.

6. The learned counsel appearing on behalf of the OP No. 2 thus submits that since the petitioner is willing to pay monthly maintenance of Rs. 7,000/- as such no useful purpose would be served by sending the petitioner to jail.

7. 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 Mahila P.S. Case No. 33 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

9. It is made clear that in the event if the OP No. 2 files a maintenance case and the same is decided, in that event the present maintenance order shall stop.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

