

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84827 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- AMNAUR District- Saran

Mahendra Kumar S/O Jhulan Mahto Present R/O Village- Sahadi Mishra Tola, Lp.S.- Amnour, District- Saran, At Present Vill.- Parauna P.S. Taraiya, Distt.- Saran (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Kumari D/O Sri Ambika Prasad Vill.- Rasauli Turha Toli, Post-Rasauli, P.S.- Panapur, Distt.- Saran Pin Code- 841302

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar Singh
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-05-2024 1. Heard learned counsel for the petitioner, 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 341, 323, 498A, 494, 504, 506 and 34 of the Indian Penal Code.
3. The learned counsels for the parties jointly submitted that the case was referred for mediation but then the mediation proceedings failed.
4. The learned counsel for the petitioner submits that petitioner still intends to keep the OP No. 2 with honor and dignity, but then OP No. 2, for reasons best known, does not intend to join the petitioner.



5. The learned counsel appearing on behalf of the OP No. 2 submits that if petitioner had any intention of reviving his conjugal relationship, then the mediation proceedings would not have failed. It is also submitted that OP No. 2 is staying apart from the petitioner for the last one year, and in these one year, the petitioner has not paid a single penny towards maintenance, which amply demonstrates his conduct.

6. The learned counsel appearing on behalf of the petitioner submits that petitioner is a laborer and is willing to pay a monthly maintenance of Rs. 3,000/ (three thousand) to the OP No. 2 towards maintenance. It is also submitted that with passage of time, the parties may reconcile, but then no useful purpose would be served by sending the petitioner to jail as future prospect of reconciliation will also become bleak.

7. The learned counsel for the OP No. 2 submits that since the petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the OP No. 2 as such he is not opposing the anticipatory bail application. It is next submitted 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 forward the same to the petitioner so that the monthly maintenance as agreed



commences from 13-5-2024.

8. Considering the submissions made by the learned counsel 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 Amnour P.S. Case No. 138 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. 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	
---	--	---	--

