

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85850 of 2023

Arising Out of PS. Case No.-1213 Year-2021 Thana- COMPLAINT CASE District- Jamui

NITISH KUMAR S/O PARMANAND THAKUR R/O VILLAGE- BUKAR
(NAWKADIH), P.S AND DISTT.- JAMUI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. HEMA DEVI W/O NITISH KUMAR, D/O SATYENDRA THAKUR R/O
VILLAGE- BALDA, P.S- SIKANDAR, DISTT.- JAMUI.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 29-07-2024 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 offence punishable under Sections 498A of the
Indian Penal Code & Sections 3/4 D.P. Act.

3. The petitioner and the O.P. No.2, in compliance of
the order dated 01.07.2024 are present in the Court along with
their respective learned counsel.

3. The petitioner submits that the relationship in
between him and the O.P. No.2 has deteriorated to an extent
where it is not possible to revive the conjugal relationship. He



next submits that he is willing to pay a monthly maintenance of Rs.5000/- to the O.P. No.2 and the child, which shall commence from 05.8.2024.

5. The O.P. No.2, who is also present in the Court submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.5000/-.

6. The learned counsel appearing on behalf of the O.P. No.2 submits that the bank account number of the O.P No.2 shall be whatsapped on the whats app number of the learned counsel appearing on behalf of the petitioner. The learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner, so that, the monthly maintenance, as agreed commences from 05.08.2024.

6. 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 Court below 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 Complaint Case



No.1213© of 2021, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

7. However, the O.P No.2 shall be at liberty to file an
application seeking cancellation of the anticipatory bail granted
to the petitioner, in the event, if the petitioner does not deposit
the amount of maintenance, as agreed, for two consecutive
months.

8. It is also made clear that in the event if maintenance
is decided by a court of competent jurisdiction, the present
maintenance shall stop.

(Satyavrat Verma, J)

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