

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85588 of 2023

Arising Out of PS. Case No.-1348 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

=====

Ganesh Mishra @ Pappu Son Of Vishwa Nath Mishra Resident Of Village-
Rampurdi, Ps- Bishanpur, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Wife Of Ganesh Mishra @PAPPU Resident Of Village-
Kahariya, Ps- Kamtaul, Dist- Darbhanga

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Nagendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-07-2024 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 498(A) of the Indian Penal
Code.
3. Learned counsel for the petitioner submits that
petitioner being the husband has been falsely implicated in the instant
case. It is further submitted that petitioner is willing to retribute his
conjugal rights and for the same he has even filed an application
under section 9 of the Hindu Marriage Act seeking restitution of his
conjugal rights and the case is pending adjudication in the court of
learned Principal Judge, Family Court, Darbhanga.



4. On query of the court that when petitioner is willing to restitute his conjugal rights why he did not go and fetch the O.P. No.2 back to her matrimonial home, on which, the learned counsel for the petitioner submitted that since the case under section 9 of the Hindu Marriage Act is pending consideration, hence he is awaiting for the results of the case.

5. The learned counsel appearing on behalf of the O.P. No.2 submits that petitioner does not intend to keep the O.P. No.2 and the children with himself or else he would have made endeavour to fetch them back and would not have waited for decision of the case instituted by him under section 9 of the Hindu Marriage Act. It is also submitted that petitioner is not giving any maintenance to the O.P. No.2 and the children for their sustenance, as such, one can well imagine the plight of the O.P. No.2 and the children, on which, the learned counsel appearing on behalf of the petitioner asserts and submits that he intends to take back O.P. No.2 and the children along with him but then since a submission has been made that no amount of maintenance is being paid, the petitioner is ready to pay a monthly maintenance of Rs.4000/- to the O.P. No.2, which shall commence from 15.07.2024.

6. The learned counsel appearing on behalf of the O.P. No.2 submits that he will furnish the bank account number of the O.P. No.2 on the whats-app number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on



behalf of the petitioner undertakes to communicate the same to the O.P. No.2, so that, the monthly maintenance, as agreed, commences from 15.07.2024.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (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.R. (P) No.1348/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. 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.

(Satyavrat Verma, J)

amit/-

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

