

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23543 of 2024

Arising Out of PS. Case No.-977 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Pankaj Rajak Son of Vindeshwar Rajak Resident of Village- Dutroll, P.S.-
Pakribarawan, Dist.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Pankaj Rajak Presently residing at village- Fulman,
P.S.- Nemdarganj, Dist.- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Nayan
For the Opposite Party/s	:	Ms. Gulnar Begum
For the O.P. No. 2	:	Mr. Alok Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 23-01-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 380,
341, 498A and 369 of the Indian Penal Code read with Sections
3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the complaint, it
would manifest that the complainant i.e. O.P. No. 2 alleges that
after marriage a child was born, but then she was tortured for
dowry and was ousted from her matrimonial home and the child



was kept by the petitioner. It is next submitted that during hearing of the instant anticipatory bail application, the petitioner and the O.P. No. 2 appeared before this Court and the O.P. No. 2 had shown her willingness to accompany the petitioner to his place of posting at Gujarat. It is further submitted that accordingly, the O.P. No. 2 accompanied the petitioner to Gujarat where the child was staying with his grandparents. It is submitted that the O.P. No. 2 after staying for some times there came back to her parental home along with the child. It is submitted that the O.P. No. 2 never intended to reconstitute her conjugal rights rather was only interested in getting back the child from the petitioner and she has succeeded. It is also submitted that petitioner is a IV Grade Railway employee and is aware that how a criminal case adversely affects the service. It is further submitted that since the O.P. No. 2 has come back with the child to her parental home hence a submission on her behalf has been made by the learned counsel appearing on behalf of the O.P. No. 2 that O.P. No. 2 had to leave Gujarat as she was assaulted.

4. The learned counsel appearing on behalf of the petitioner, at this stage, submits that he has also filed an application before a Court of competent jurisdiction for



restituting his conjugal rights, but then the O.P. No. 2 is not interested in staying with the petitioner. It is also submitted that since the O.P. No. 2 has brought the child to her parental home, as such, petitioner is willing to pay a monthly maintenance of Rs. 6,000/- (Rupees Six Thousand) to the O.P. No. 2 and the child.

5. The learned counsel appearing on behalf of the O.P. No. 2 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. 6,000/- to the O.P. No. 2.

6. Learned counsel appearing on behalf of the O.P. No. 2 submits that he will *Whatsapp* the bank account number of the O.P. No. 2 on the *Whatsapp* 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 petitioner so that the monthly maintenance, as agreed, commences from 01.02.2025.

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 Complaint Case No. 977 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that the O.P. 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 amount of monthly maintenance, as agreed, for two consecutive months.

9. It is further made clear that the present maintenance will stop in the event a Court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

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