

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28773 of 2025

Arising Out of PS. Case No.-1230 Year-2024 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

=====

Dhanwant Patel S/o Chandradev Patel Resident of Village- Melipatti, PS-
Tarkulwa, Distt.- Deoria, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari W/o Dhanwant Patel R/o Moh - Manpur, P.O. - Gaura, P.S.-
Kataiya, Distt.- Gopalganj

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abu Bakar, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-12-2025 1. Heard learned counsel for the petitioner, learned

APP 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 offence punishable under Section 498(A) of
the Indian Penal Code.

3. The petitioner and the O.P. No.2, in compliance of
the order dated 04.12.2025 are present in the Court.

4. The learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the complainant. It is next submitted that the
relationship in between the petitioner and the opposite party



no.2 has soured to extent where it is not possible to revive the conjugal relationship in the near future, but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is also submitted that petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs.3500/- (Rs. Three Thousand Five Hundred) to the opposite party no.2, which shall commence from 23.12.2025.

5. The learned counsel appearing on behalf of the opposite party no.2 submits that when petitioner is willing to pay a monthly maintenance, as such, no useful purpose would be served by sending the petitioner to jail. It is also submitted that in the event, if petitioner is sent to judicial custody, chances of future reconciliation will get marred. It is next submitted that presently the O.P. No.2 does not have any bank account but the same shall be opened and the bank account number of the opposite party no.2 shall be whatsapped to 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 the 23.12.2025.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of Miss Smirti, learned Judicial Magistrate 1st Class, Gopalganj in connection with Complaint Case No.1230/2024 (Tr. No.69/2024) subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

8. It is further made clear that if the Court of competent jurisdiction fixes the maintenance, the present maintenance shall stop.

(Satyavrat Verma, J)

amit/-

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

