

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40500 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Indrajeet Prasad S/O Laljee Prasad Resident of Village -Dewan, P.S
-Kadirganj, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Julee Kumari D/o Bablu Ram R/o Village- Taregnadih, P.S- Masaurhi, Dist-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 23-12-2025 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of

opposite party no.2.

2. Petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 323, 498A and 494

of the Indian Penal Code.

3. Learned counsel appearing on behalf of the

petitioner submits that the case was taken up on 09.12.2025

when petitioner and opposite party no.2 were directed to remain

physically present before this Court, as it was submitted on

behalf of the petitioner that he is still willing to restitute his

conjugal rights and will keep opposite party no.2 with honour



and dignity. It is next submitted that petitioner in compliance of the order dated 09.12.2025 has come from Mumbai along with a train ticket of opposite party no.2, but then opposite party no.2, for reasons best known, chooses not to appear though when the case was taken up on 09.12.2025, it was submitted on her behalf that she is also willing to reconstitute her conjugal rights. Learned counsel for the petitioner next submits that opposite party no.2 earlier had instituted an FIR against the petitioner under Section 498A read with other Sections of the Indian Penal Code in which petitioner was granted the privilege of anticipatory bail by this Court, thereafter, petitioner filed a divorce case at Mumbai and thereafter the instant complaint case came to be instituted. It is further submitted that though petitioner has instituted a divorce case before the learned Family Court, Bandra at Mumbai but then a specific submission was made on his behalf that petitioner will withdraw the divorce case provided opposite party no.2 intends to accompany him to Mumbai for resuming her conjugal rights.

4. Learned counsel appearing on behalf of opposite party no.2 submits that he had already informed opposite party no.2 about the order dated 09.12.2025 and she was even ready to come to the Court but since yesterday, despite his best



endeavors, opposite party no.2 could not be contacted. It is submitted that at 01:00 p.m. he was again able to connect with opposite party no.2 when she informed that for some personal reason she could not come to the Court on which the learned counsel appearing on behalf of the petitioner submits that it is a lame excuse. It is also submitted that if opposite party no.2 for any reason was not able to come to the Court, in that event, she ought to have informed her learned counsel for filing an application seeking exemption from appearance but then that was not done. It is also submitted that brother of opposite party no.2 had fled with minor sister of the petitioner from Mumbai for which FIR no.381 of 2016 at Villa Parle Police Station was instituted by the petitioner and his side and the said case also led to straining of the relationship in between the two. It is next submitted that opposite party no.2 it appears does not intend to revive her conjugal relationship. It is further submitted that no doubt a divorce case has been filed but then petitioner being husband is aware of his responsibility towards his wife and is willing to pay a month maintenance of Rs.6,000/- which shall commence from 01.01.2026. It is also submitted that no useful purpose would be served by sending the petitioner to jail as chances of future reconciliation will also get marred.



5. Learned counsel appearing on behalf of opposite party no.2 submits that since petitioner is willing to pay a monthly maintenance of Rs.6,000/- to opposite party no.2, as such, no useful purpose would be served by sending the petitioner to jail. It is also submitted that may be with passage of time and on intervention of well wishers, the parties may resolve the dispute amicably but if petitioner is sent to judicial custody, chances of future reconciliation will become bleak. It is further submitted that bank account of opposite party no.2 shall be Whatsapped on the Whatsapp number of the learned counsel for the petitioner. Learned counsel for the petitioner undertakes to communicate the same to the petitioner, who is present in the Court, so that the monthly maintenance, as agreed, commences from 01.01.2026.

6. After hearing learned counsel for the parties, let 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 Complaint Case No.44(C) of 2024, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that opposite party no.2 shall be at liberty to file an application seeking cancellation of 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 further made clear that if a court of competent jurisdiction fixes maintenance, in that event, the present maintenance shall stop.

9. The personal appearance of petitioner is dispensed with.

(Satyavrat Verma, J)

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