

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47611 of 2024

Arising Out of PS. Case No.-94 Year-2014 Thana- MAHILA P.S. District- Purnia

Mithilesh Kumar @ Mithlesh Kumar son of Upendra Das Village- Gautam
Nagar Gangjala W.No-11, Ps- Saharsa Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Rashmi D/o- Khedan Das Village- Mahraj Hata J.P Market Janta
Chouk W.No-31, Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramod Mishra, Advocate
For the Opposite Party/s :	Mr. Rabindra Kumar, APP
	Anant Kumar No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-01-2025 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 seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 379, 498(A), 506, 34 of the Indian Penal Code
and under Section 3/4 of the Dowry Prohibition Act in connection
with Purnea Mahila P.S. Case No.94 of 2014.

3. The learned counsel appearing on behalf of the
petitioner submits that petitioner had earlier moved this Court
seeking anticipatory bail by filing Cr. Misc. No.23836 of 2023
and the same was disposed of by an order dated 21.02.2024 in
view of order dated 13.02.2024 in Cr. Misc. No.3536 of 2024



(Naushad Ansari vs. The State of Bihar).

4. It is submitted that thereafter benefit of Section 41(A) of the Cr.P.C. was given to the petitioner, but then police after investigation submitted charge sheet, as such the petitioner has again moved this Court seeking anticipatory bail on the ground that police during the course of investigation never felt the need of arresting the petitioner.

5. The learned counsel next submits that petitioner was married to the O.P. No.2 on 19.11.2013 and out of the wedlock no child was born. It is further submitted as such tension was ensuing when the instant false case came to be instituted. It is also submitted that petitioner is posted with the C.R.P.F. and is aware of his responsibility towards the O.P. No.2 being husband. It is also submitted that an amount of rupees thirteen thousand and odd was being deducted from his salary on petition of the O.P. No.2 by way of maintenance, but then the said maintenance was stopped after five years in accordance with the law. It is next submitted that petitioner is willing to pay a monthly maintenance of Rs.15,000/- to the O.P. No.2 which shall commence from 01.02.2025.

6. The learned counsel appearing on behalf of the O.P. No.2 submits that since petitioner is willing to pay a monthly



maintenance of Rs.15,000/- per month from 01.02.2025, as such no useful purpose would be served by sending the petitioner to jail.

7. It is next submitted that the bank account number of the O.P. No.2 shall be whatsapped on the whatsapp number of the learned counsel appearing on behalf of the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 01.02.2025.

8. 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 the learned S.D.J.M., Purnea in connection with Purnea Mahila P.S. Case no.94 of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, it is made clear that if the amount of maintenance as agreed is not credited in the account of the O.P. No.2 for two consecutive months, the O.P. No.2 shall be at liberty to file an application seeking cancellation of the



anticipatory bail granted to the petitioner.

10. It is next submitted that once the Court of competent jurisdiction fixes the maintenance amount, in that event the present maintenance amount shall stop.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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