

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45237 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Shyam Kumar S/o Krishna Sharma R/o Vill- Bampali, P.S.- Udwant Nagar,
Distt- Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari D/o Ram Kumar Sharma R/o Vill- Bampali, P.S.- Udwant Nagar, Distt- Bhojpur, (Bihar), at present R/o Vill- Kusumhara, P.S.- Suryapura, Distt- Rohtas (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
		Mr. Nagendra Upadhyay, Adv
		Mr. Maya Shankar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-11-2025 **1.** Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel for OP No. 2.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 323, 313 and 498A of the
Indian Penal Code read with Section 4 of the Dowry Prohibition Act
in which cognizance has been taken under Sections 504, 323, and
498A of the Indian Penal Code read with Sections 3 and 4 of the
Dowry Prohibition Act.

3. 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 relationship in
between the petitioner and the complainant has deteriorated to an



extent where it is not possible to revive the conjugal relationship. It is also submitted that complainant along with child left her matrimonial home. It is further submitted that petitioner has filed a divorce case being Matrimonial (Divorce) Case No. 227 of 2023, which is pending adjudication in the court of learned Principle Judge, Family Court, Kutumb, Bhojupur, Ara.

4. Learned counsel for the petitioner next submits that he has instruction to make submission that petitioner is willing to pay a monthly maintenance of Rs. 5,500/- (Five Thousand Five Hundred) which shall commence 25-11-2025.

5. The learned counsel appearing on behalf of the OP No. 2 fairly submits that since petitioner is ready to pay a monthly maintenance of Rs. 5,500/- to the OP No. 2 as such no useful purpose will be served by sending the petitioner to jail. It is next submitted no doubt divorce case has been filed, but then with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably and if the petitioner is sent to judicial custody, the chances of future reconciliation will also get marred.

6. The learned counsel for the OP No. 2 submits that he will WhatsApp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance as agreed commences



from 25-11-2025.

7. Considering the submission made by the learned counsel for the parties, 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. 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. 73 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that OP 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 monthly maintenance as agreed for two consecutive months.

9. It is further made clear that the present maintenance shall stop, if a court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

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