

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55666 of 2024

Arising Out of PS. Case No.-893 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Akash Kumar Prasad @ Akash Prasad, Son Of Birendra Prasad Village- Flat
No.1401, Tower G10, Nirala Greenshire Plot No. Gh-03, Sector-2, Greater
Noida, Dist- Noida

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Jyoti Srivastava Wife Of Akash Kumar Prasad @ Akash Prasad
Village- Baulia Road, Mata Transport Gali, Ps- Sasaram, (T), Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Jai Prakash Singh- Advocate
For the Opposite Party/s :	Ms. Asha Kumari- A.P.P.
	Mr. Sanjay Kumar Tiwary- Advocate
	Mr. Abhijit Prabhat- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-01-2025 1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the opposite party no.2.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 498(A) of the Indian Penal Code.

3. The learned counsel for the petitioner submits that

the case was taken up 12.09.2024, when a joint submission was

made on behalf of the parties that the case be referred for

mediation and accordingly, the case was referred for mediation,

but then, the opposite party no.2 never appeared before the



learned Mediator. The said submission of the learned counsel appearing on behalf of the petitioner is not disputed by the learned counsel appearing on behalf of the opposite party no.2.

4. The learned counsel for the petitioner submits that this amply demonstrates that the conduct of the opposite party no.2 that she has scant regards for the orders of this Court. It is next submitted that petitioner, being husband, has been falsely implicated in the instant case by the opposite party no.2. It is further submitted that though there is allegation in the complaint that dowry was being demanded, but then, said allegation is exaggerated for the reason that petitioner has purchased a flat which is in the joint name of petitioner and the opposite party no.2. It is also submitted that opposite party no.2 has taken the child along with her and even filed maintenance case before the Court of the learned Principal Judge, Family Court, Sasaram. It is next submitted that notices in the maintenance case was not received by the petitioner, as such, a monthly maintenance of Rs.20,000/- was directed by the learned Principal Judge, Family Court, Sasaram by an ex parte order dated 04.12.2024. It is next submitted that petitioner is not in a position to pay the maintenance amount, as such, he has preferred Criminal Revision No.103 of 2025 before this Court, but then, fairly



submits that being husband he is aware of his responsibility towards the opposite party no.2 and the child, as such, the petitioner is willing to pay a monthly maintenance of Rs.12,000/- (Twelve Thousand) per month to the opposite party no.2, which shall commence from 01.02.2025.

5. The learned counsel appearing on behalf of the opposite party no.2 submits that since petitioner is willing to pay a monthly maintenance of Rs.12,000/-, as such, no useful purpose would be served by sending the petitioner to jail. It is next submitted that the bank account number of the opposite party no.2 shall be whatsapped 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.

6. Considering the submissions made by the learned counsel for the parties, 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in



connection with Complaint Case No.893 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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.

9. It is further made clear that the present maintenance will stop, in the event, if the order of the learned Family Court is upheld by the superior Court.

(Satyavrat Verma, J)

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