

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72789 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- MAHILA P.S. District- Lakhisarai

Roshan Vijay Son of Satyanarayan Vijay Village- 8 Pagla Danga Road
Basudha Pally Park Near St. Marry public School, Kolkata

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajnandni Kumari Wife of Roshan Vijay village- Baypass Chowk Pachna Road Lakhisarai Ps- Lakhisarai, Dist- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Kumar Prasad
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-01-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the OP No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
498A, 504, 506 and 34 of the Indian Penal Code and Sections 3
and 4 of Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that OP
No. 2 is legally wedded wife of the petitioner. It is further
submitted that within a week of marriage, the petitioner came to
know that the informant is suffering from marfan syndrome, it
is further submitted that marfan syndrome is a genetic disease
and possibilities are very high that it may get transmitted in the
next generation. It is next submitted that petitioner and the



informant were married at Kolkata, hence he has filed Matrimonial Suit No. 1210 of 2023 in the court of learned District Judge at Alipur under Section 12 of the Hindu Marriage Act for getting the marriage declared void.

4. Learned counsel for the petitioner further submits that petitioner, being husband, is aware of his responsibility and is willing to pay monthly maintenance of Rs. 4,000/- (Four Thousand) to the OP No. 2, which shall commence from 1-2-2025.

5. Learned counsel appearing on behalf of the OP No. 2 does not dispute the submission of the learned counsel appearing on behalf of the petitioner that OP No. 2 is suffering from marfan syndrome, but then submits that it is not a disease nor it is a ground for getting the marriage declared void but then fairly submits that if petitioner is willing to pay monthly maintenance of Rs. 4,000/- in that event the OP No. 2 for the present is not opposing the anticipatory bail of the petitioner.

6. The learned counsel for the OP No. 2 next 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 1-2-2025.

7. 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 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 Mahila P.S. Case No. 56 of 2023, 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 decides the maintenance.

(Satyavrat Verma, J)

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