

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72487 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Prabhash Kumar Kamati S/o Humeshwar Kamati R/o Village-Rajegram, P.S.-
Pandaul, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabita Kumari W/o Prabhash Kumar Kamati D/o Harichandra Chaudhari,
R/o Village- Lalganj, P.S.- Bhairabsthan, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 498A and 34 of the Indian Penal Code and Section 4 of
the D. P. Act.

3. The learned counsel for the petitioner submits that
by order dated 29.10.2024, notices were issued on the opposite
party no.2 and from perusal of the office report dated
05.12.2024, it would manifest that the ordinary notice has been
received by the opposite party no.2, but then, the opposite party
no.2 has not appeared to contest the case, which amply



demonstrates that the opposite party no.2 is not interested in reviving her conjugal relationship, but then, fairly submits that petitioner was married to opposite party no.2 in the Year 2014 and out of the wedlock, two children were born, who presently are staying with the opposite party no.2. It is next submitted that petitioner is still willing to keep the opposite party no.2 with honour and dignity along with the children.

4. Learned A.P.P. opposes the anticipatory bail application and submits that it may be a possibility that opposite party no.2 despite receiving notice is not appearing as she may not be in a financial position to contest the case, on which the learned counsel appearing on behalf of the petitioner submits that he has instruction to make submission that petitioner is willing to pay a monthly maintenance of Rs.5,000/- to the opposite party no.2, which shall commence from 01.01.2025. It is also submitted that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay monthly maintenance and in future on intervention of well-wishers, the parties may resolve their dispute. The learned A.P.P. also does not dispute the said fair submission of the learned counsel appearing on behalf of the petitioner.

5. 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani in connection with Complaint Case No.46 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

8. The learned trial Court is directed to handover a copy of the instant order to the learned counsel, who has filed the complaint case on behalf of the complainant for perusal of the complainant.

(Satyavrat Verma, J)

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