

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81426 of 2024

Arising Out of PS. Case No.-56 Year-2020 Thana- MAHILA P.S. District- Nalanda

Sumit Kumar Son of Sri Arunendra Prasad Resident of Village -
Aungaridham, P.O. and P.S. - Aungaridham, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Udyu Kumari Daughter of Sri Ramashish Prasad, Wife of Sumit Kumar
Resident of Village - Pachbara, P.O., P.S. and District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman

For the Opposite Party/s : Ms.Pushpa Sinha.1

Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 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 498A, 341,
323, 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
petitioner being husband has been falsely implicated in the instant
case by the OP No. 2 with an allegation that petitioner is having
illicit relationship with his colleague, and the petitioner and his
family members demand dowry. It is next submitted that
relationship in between the petitioner and the OP No. 2 has
deteriorated to an extent where it is not possible to revive the
conjugal relationship. It is also submitted that petitioner has filed



Matrimonial Suit No. 238 of 2023, which is pending adjudication in the court of learned Principal Judge, Family Court, Nalanda.

4. Learned counsel for the petitioner, based on instruction, submits that no doubt petitioner has filed the aforesaid case seeking divorce from the OP No. 2, but then petitioner is willing to pay a monthly maintenance of Rs. 15,000/- (Fifteen Thousand) to the OP No. 2, which shall commence from 1-2-2025.

5. Learned counsel appearing on behalf of the OP No. 2 submits that today he has come to know that the aforesaid matrimonial suit number has been filed by the petitioner as such the OP No. 2 shall appear before the court of learned Principal Judge, Family Court, Nalanda to contest the case. It is next submitted that since petitioner is ready to pay a monthly maintenance of Rs. 15,000/- as such no useful purpose would be served by sending the petitioner to jail.

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. 10,000/- (Rupees Ten 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 2020, 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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