

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77192 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Araria

Santosh Kumar Yadav @ Santosh Yadav S/o Balram Yadav R/o village-Kankhudia, Ward No. 04, P.S.- Palasi, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suniti Purnima W/O Santosh Kumar Yadav, D/O Raj Kumar Rahi Advocate, R/O- Jay Prakash Nagar, Ward No. 07, P.S- Araria, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kanchan Jha, Adv
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Rabindra Kumar Priyadarshi, Adv Mr. Dheeraj Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad, learned APP for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under sections 341, 323, 498A, 406, 494, 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of three cases but all the three cases have been instituted by the present informant. It is next submitted that earlier the informant had instituted Complaint Case No. 401C of 2021 in which the petitioner had moved this court seeking anticipatory bail by filing Cr. Misc. No. 17663 of



2022. It is submitted that from perusal of the order dated 19.10.2022 in Cr. Misc. No. 17663 of 2022, it would manifest that the present informant as complainant had appeared in the said case and a categorical query was put to the informant that as to whether she intends to go with the petitioner or not. On which, the informant had very categorically stated that she does not intend to go with the petitioner.

4. It is further submitted that the family Court has fixed maintenance of Rs. 9,000/- per month to be paid by the petitioner to the informant and the petitioner is continuously paying the said amount. It is also submitted that in Cr. Misc. No. 17663 of 2022, the petitioner had also undertaken before this Court that he will ensure that his daughter is taken well care of by him.

5. It is next submitted that thereafter the instant case came to be instituted in which the petitioner was given benefit of Section 41(A) of the Cr.P.C. but then chargesheet came to be submitted. As such, the petitioner moved this Court seeking anticipatory bail by filing Cr. Misc. No. 24291 of 2024 and the same was disposed of by an order dated 15.04.2024 in terms of the order dated 13.02.2024 in Cr. Misc. No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). It is submitted that



thereafter the petitioner filed a modification application being Cr. Misc. No. 68270 of 2024 for modifying the order dated 15.04.2024 in Cr. Misc. No. 24291 of 2024 on the ground that when Cr. Misc. No. 24291 of 2024 was taken up, at that time inadvertently it could not be submitted that chargesheet has already been submitted by the police after investigation. It is submitted that thereafter Cr. Misc. No. 68270 of 2024 was disposed of by an order dated 13.09.2024 with liberty to the petitioner to file a fresh anticipatory bail application. Accordingly, the instant anticipatory bail application has been filed.

6. The Learned counsel appearing on behalf of the opposite party no. 2 does not dispute the submission that petitioner is paying the maintenance amount as fixed by the family Court but then submits that at time, the payment is being made late, on which, learned counsel appearing on behalf of the petitioner submits that petitioner is making regular payment and at time has given more than what has been fixed by the family Court but then it is submitted that the payment till December, 2024 has been made and the arrear of the payment shall be cleared in one go.

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 Araria Mahila P.S. Case No. 16 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

kiran/-

U		T	
---	--	---	--

