

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42052 of 2025

Arising Out of PS. Case No.-3691 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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Mukesh Sah S/O Late Dev Kumar Sah R/O Village- Garkha, P.S- Garkha,
District- Chapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari W/O Mukesh Sah, D/O Sanjay Sah R/O Village- Garkha, P.S-
Garkha, Distt.- Saran (Chapra), at present R/O Village- Kuldeep Nagar (44
Number Dhala Ke Pass), P.S- Chapra Muffasil, Distt.- Saran (Chhapra).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-02-2026 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State along with learned counsel appearing on

behalf of the O.P. No.2.

2. The petitioner apprehends his arrest in a case

registered for the offence punishable under Sections 323, 341,

379, 504, 506, 498A of the Indian Penal Code and Sections ¾

D.P. Act but cognizance has been taken under Section 498(A) of

the Indian Penal Code.

3. Learned counsel for the petitioners submits that

petitioner being husband is a person with clean antecedent and

has been falsely implicated in the instant case by the O.P. No. 2.

It is next submitted that the dispute is matrimonial. It is further



submitted that mediation in between the parties have failed but then it is submitted that petitioner being husband is aware of his responsibility towards the O.P. No.2 and the child, who presently is staying with her. It is also submitted that no useful purpose would be served by sending the petitioner to jail since the petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P No.2. which shall commence from 01.03.2026. It is also submitted that may be with passage of time and on intervention of well wishers, the petitioner and the O.P. No.2 may resolve their dispute amicably.

4. The learned counsel appearing on behalf of the O.P. No.2 submits that no useful purpose would be served by sending the petitioner to jail since the petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P No.2. It is next submitted that in the event if the petitioner is sent to jail, the chances of any future reconciliation shall also become bleak but then it is submitted that it may be a ploy on part of the petitioner to seek anticipatory bail by assuring the court that he is ready to pay a monthly maintenance of Rs.5000/-, on which, the learned counsel appearing on behalf of the petitioner submits that he has instruction to make submission that in the event if petitioner resiles from the undertaking given to this Court, in that event,



his anticipatory bail be cancelled. At this stage, the learned counsel appearing on behalf of O.P. No.2 submits that he will whatsapp the bank account number of the O.P. No.2 on the whatsapp number of the learned counsel appearing on behalf of the petitioner. 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 01.03.2026.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (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 Complaint Case No.3691/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the O.P No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of maintenance, as agreed, for two consecutive months.



7. It is also made clear that if a Court of competent jurisdiction fixes the maintenance, in that event, the present maintenance shall stop.

(Satyavrat Verma, J)

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