IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45736 of 2026

CNR No. BRHC010641422026

Arising Out of PS. Case No.-1819 Year-2021 Thana- VAISALI COMPLAINT CASE District- Vaishali

==========

Rajesh Kumar Sah @ Rajesh Sah Son of Late Rameshwar Sah Resident of village - Dayalpur, Ps- Rajapakar (Baranti OP), Dist- Vaishali

... ... Petitioner/s

Versus

1. The State of Bihar bihar
2. Guriya Devi wife of Rajesh Sah @ Rajesh Kumar Sah Resident of village - Dayalpur, Ps- Rajapakar (Baranti OP), Dist- Begusarai At Present Residing Daughter of Raj Kishor Sah Resident of village- Prataptand, West Ps- Bhagwanpur, Dist- Vaishali

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
For the Complainant : Mr. Rajeev Ranjan No. II, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 05-11-2026 **1.** Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 379, 307, 498(A) and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner, at the outset, submits that non-bailable warrant of arrest has been issued, but then petitioner never received summons or bailable warrants. It is next submitted that petitioner is a person with clean

WEB COPY

antecedent and the dispute is matrimonial and the complainant alleges that she was married with the petitioner in the year 2013 and out of the wedlock, two children were born, but petitioner and his family members started torturing her for dowry and she was ousted from her matrimonial home in the year 2021.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case by the complainant. It is next submitted that the relationship in between the petitioner and the complainant has soured to an extent where it is not possible to revive the conjugal relationship in the present, even mediation has failed, but then it is submitted that with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is next submitted that out of the two children, one child is with the complainant and the other is with the petitioner. It is also submitted that petitioner, being husband, is aware of his responsibility towards his wife and the child and thus is willing to pay a monthly maintenance of Rs. 5,500/- (Rs. Five Thousand Five Hundred) to the complainant.

5. Learned counsel appearing on behalf of the complainant also submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing

WEB COPY

to pay a monthly maintenance of Rs. 5500/-. It is also submitted that if petitioner is sent to judicial custody, chances of future reconciliation will also get marred.

6. The learned counsel appearing on behalf of the complainant also submits that he will *WhatsApp* the bank account number of the complainant on the *WhatsApp* number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance commences from 18.11.2026.

7. At this stage, the learned counsel appearing on behalf of the complainant submits that it might be a ploy of the petitioner to seek anticipatory bail and the monthly maintenance as agreed may not be credited in the account of the complainant, on which the learned counsel appearing on behalf of the petitioner submits that petitioner is aware of the consequences which would entail in the event if the petitioner breaches the undertaking given before this Court.

8. Considering the submission made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds

WEB COPY

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 Complainant Case No. 1819 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that OP No. 2/ complainant 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.

10. It is further made clear that the present maintenance shall stop, if a Court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

Rishabh/-

U		T	

WEB COPY