

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54417 of 2025

Arising Out of PS. Case No.-616 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Shankar Kumar @ Shankar Chaurasia S/o Suresh Chaurasia R/o Village-
Ranibazar, Kawakol, PS- Kawakol, Distt- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Kumari W/o Shankar Kumar @ Shankar Chaurasia, D/o Bacchu Chaurasia R/o Ranibazar, Kawakol, P.S.- Kawakol, Distt.- Nawada, At present residing at Benipur, P.S.- Rupo, Distt.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashid Zafar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code as well as Section 4 of the DP Act.
3. Learned counsel appearing on behalf of the petitioner submits that from the office notes dated 15.11.2025, it would manifest that the opposite party no. 2 has personally received the registered cover notice but she chooses not to appear and contest the case. It is further submitted that petitioner, being the husband, has been falsely implicated in the instant case by the opposite party no. 2. It is next submitted that petitioner is still willing to keep the opposite party no. 2 and the child with honour and dignity but then the opposite party no. 2 is not interested in reviving her conjugal



relationship. It is also submitted that petitioner has also filed Matrimonial Case No. 117 of 2023 in the Court of learned Principal Judge, Family Court, Nawada under Section 9 of the Hindu Marriage Act for restitution of his conjugal rights. It is further submitted that notice in the said case has been issued.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that merely filing a petition seeking restitution of conjugal rights is no defence, when the opposite party no. 2 is staying alone and sustaining the child even in absence of any financial support. It is further submitted that it is easy to file an application seeking restitution of conjugal rights because cases in the District Court take time. It is next submitted that if petitioner was really interested in reviving his conjugal relationship in that event the petitioner would have paid some sustenance amount to the opposite party no. 2 and the child to establish his bonafide, but then from the submissions and the pleadings made by the learned counsel appearing on behalf of the petitioner, it appears that no maintenance is being given to the opposite party no. 2. It is also submitted that it might be a possibility that the opposite party no. 2 despite receiving notice has not appeared as she might be having financial constraint to engage a learned Lawyer.

5. At this stage, learned counsel appearing on behalf of the petitioner submits that he has instruction to make submission that petitioner, being the husband, is aware of his responsibility towards



the opposite party no. 2 and the child and, thus, is willing to pay a monthly maintenance of Rs.3,000/- which shall commence from 01.03.2026. It is further submitted that no useful purpose would be served by sending the petitioner to jail as chances of future reconciliation will also get marred on which learned A.P.P. submits that it might be a ploy of the petitioner to seek anticipatory bail by making a submission that he is willing to sustain the opposite party no. 2 and the child on which learned counsel appearing on behalf of the petitioner submits based on instruction that if the petitioner does not pay the amount of maintenance as agreed his anticipatory bail shall be liable to be cancelled. It is next submitted that petitioner will make endeavour to obtain the bank account number of the opposite party no. 2 for crediting the amount of maintenance as agreed and if he is not able to obtain the bank account number of the opposite party no. 2 in that event the amount will be credited with the learned District Court.

6. At this stage, learned A.P.P. fairly submits that since petitioner has given an undertaking, as such, no useful purpose would be served by sending the petitioner to jail as in future with intervention of well-wishers the parties may try to resolve the dispute amicably.

7. After hearing the learned counsel for the parties let 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 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 Complaint Case No. 616 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

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

10. The learned trial court is directed to ensure that a copy of this order be handed over to the opposite party no. 2 through her learned counsel appearing on her behalf in the trial court for its onwards communication to the opposite party no. 2.

(Satyavrat Verma, J)

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