



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.                    OF 2024  
(Arising out of SLP(Criminal) No. 6262/2024)

BASU DAS @ BASU KUMAR DAS

Appellant(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. The present appeal arises out of the impugned judgment and order dated 15.01.2024, passed by the High Court of Judicature at Patna in Criminal Miscellaneous No.37110 of 2023 whereby, the High Court, while granting anticipatory bail to the present appellant, in connection with the Plaint Case No. 153/2019 dated 19.01.2019, filed before the Chief Judicial Magistrate, District-Katihar, Bihar for the offence punishable under Section-498A read with Section-34 of the Indian Penal Code, had imposed a condition which reads as under-

*...."Petitioner is ready to pay Rs.3,000/- per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, the informant/ complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner"....*

3. Heard learned counsels for the parties.

4. It is submitted by the learned counsel appearing for the respondent no.2-complainant that the appellant is not making any payment towards her maintenance though the concerned Court has passed the order for maintaining her, and though the respondent no.2-complainant has filed the execution proceedings in that regard. However, in our opinion, while granting anticipatory bail to the appellant, such punitive condition of making payment for maintaining the respondent no.2-complainant, could not have been passed by the High Court. It is needless to say that the bail conditions could not be such, which would tantamount to execution of the maintenance order.

5. In that view of the matter, without expressing any opinion on the merits of the case, we are inclined to accept the present appeal and grant anticipatory bail to the present appellant.

6. Hence, it is directed that in the event of the arrest of the appellant, in connection with the Plaint Case No. 153/2019 dated 19.01.2019, filed before the Chief Judicial Magistrate, District-Katihar, Bihar, he shall be released on bail, if not required in any other case, on such terms and conditions that may be imposed

or deem fit by the Trial Court.

7. It goes without saying that the respondent-State shall be at liberty to file appropriate application seeking cancellation of bail in case any of the conditions, that may be imposed by the Trial Court, are violated or breached by the appellant.

8. Accordingly, the appeal is allowed.

9. Pending application(s), if any, shall stand closed.

.....J.  
(BELA M. TRIVEDI)

.....J.  
(SATISH CHANDRA SHARMA)

New Delhi  
17<sup>th</sup> December, 2024

ITEM NO.4

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6262/2024

[Arising out of impugned final judgment and order dated 15-01-2024 in CRLM No. 37110/2023 passed by the High Court of Judicature at Patna]

BASU DAS @ BASU KUMAR DAS

Petitioner(s)

VERSUS

THE STATE OF BIHAR &amp; ANR.

Respondent(s)

(IA No. 93853/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
IA No. 93856/2024 - EXEMPTION FROM FILING O.T.  
IA No. 93857/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Anurag Ojha , AOR  
Ms. Renu, Adv.

For Respondent(s) Mr. Anshul Narayan,, Adv.  
Mr. Prem Prakash, AOR

Mr. Shrey Kapoor, AOR  
Mr. Sitesh Narayan Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. The appeal is allowed in terms of the signed order.
2. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)  
COURT MASTER (NSH)

\*physical appearance not given for respondent-complainant