

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48016 of 2022

Arising Out of PS. Case No.-2059 Year-2020 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

MD. KALAMUDDIN Son of Late Ahmad Hussain R/V- Basghat, P.S-
Chakia, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jinat Praveen W/o Md. Kalamuddin, D/o Md. Kasim R/V- Basghat, P.S-
Chakia, Dist- East Champaran (Motihari)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
354, 323, 324, 307, 384, 386, 380, 406, 420, 504, 506,
120(B)/34 of the Indian Penal Code, Sections 3 and 4 of the
Dowry Prohibition Act and Sections 3 and 4 of the Witchcraft
Act.

In compliance of the order dated 12.12.2022, the
petitioner and the informant are present in the Court.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case and he is ready and willing to keep the informant with full dignity and honour along with the child but the informant is not willing to accompany the petitioner.

The informant, who is also present in the Court, very categorically submits that she does not want to resume her conjugal life and she is staying away from the petitioner for quite a long time at her parental place. She further submits that once on the orders of the Court she along with the child had accompanied the petitioner but he assaulted her badly and even tried to kill the child on account of which she had to come back to her parental home. She next submits that for nearly two years, she stayed with the petitioner and now she along with the child is staying with her parents and the petitioner in these two years never paid a single farthing for her maintenance and on her upkeep.

At this stage, learned counsel for the petitioner submits that he has instruction to make submission that petitioner will pay an amount of Rs.4,000/- towards maintenance of the informant and the child till the amount of maintenance is not decided by a Court of competent jurisdiction.

The informant, who is present in the Court, agrees for



the maintenance.

Learned counsel for the informant submits that he will Whatsapp the bank account number of the informant to the learned counsel for the petitioner and the learned counsel for the petitioner submits that the moment he will receive the bank account number of the informant he will Whatsapp the same to the petitioner and thereafter the petitioner will start paying the maintenance amount from January, 2023.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tr. No. 1820 of 2021 arising out of Complaint Case No. 2059 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the informant files an



application before the learned trial court bringing to its notice that despite giving assurance to this Court, the petitioner for two consecutive months has not paid the maintenance as agreed, the learned trial court after giving an opportunity of hearing to the petitioner shall pass order in accordance with law and will also have the liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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