

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16969 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- INARWA District- West Champaran

PHAHIM KHAN @ FAYEEM SON OF TAPHAJUL KHAN R/O VILLAGE-
BAKUCHIYA, P.S.- SHANICHARI, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. ALI KHAN SON OF LATE JAN KHAN R/O VILLAGE-
GHORPAKARI, P.S.- INARWA, DISTRICT- WEST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State alongwith learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that petitioner being husband has been falsely implicated in the present case. It is next submitted that the matter was referred for mediation but the same failed as the informant after one appearance never appeared before the mediator, it is further submitted that petitioner is a labour and based on instruction



that petitioner still is willing to maintain the informant for which he will pay a maintenance amount of Rs. 4000/- per month in her bank account.

The learned counsel for the informant based on instruction agrees to the submission made by the learned counsel for the petitioner and submits that he will message the bank account No. of the informant on the WhatsApp No. of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the maintenance amount as agreed commences from 10th July 2023.

The learned counsel for the petitioner next submits that the payment of the maintenance amount shall be made till the matter is finally adjudicated in the trial or a court of competent jurisdiction fixes the maintenance.

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 trial court 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 trial court where the case is pending/successor court in connection with Inarwa P.S. Case No. 41 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the informant would be at liberty to file an application seeking cancellation of bail of the petitioner in the event petitioner for two consecutive months does not deposit the amount as agreed, in her account.

(Satyavrat Verma, J)

Adnan/-

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