

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22739 of 2023

Arising Out of PS. Case No.-2310 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. SOHRAB ALAM @ MD. SOHRAM ALAM @ SOHRAB ALAM Son
of Md. Anul Resident of Village - Basantpur, P.S.- Barsoi (Sudhani O.P.),
District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samar Fatma Wife of Md. Sohrab Alam @ Md. Sohram Alam Daughter of
Md. Jawed Alam, Resident of Village - Basantpur, P.S.- Barsoi (Sudhani
O.P.), District - Katihar, Presently residing at - Resident of Village -
Maulnapur, P.S.- Barsoi, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Md. Anbzarul Haque Sahara, APP
For the Complainant	:	Mr. Mazher Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for

the complainant.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 323,

498A and 504 of the Indian Penal Code.

In compliance of the order dated 03.07.2023, the

petitioner and the complainant are physically present before

this Court along with their respective counsels.

Learned counsel for the petitioner submits that the



petitioner, being husband, has been falsely implicated in the present case, it is next submitted that the relationship between the petitioner and the complainant has soured to an extent where it is not possible to continue with the conjugal relationship. It is next submitted that a maintenance of Rs. 4,000/- was fixed by a Court of competent jurisdiction by order dated 24.02.2022 which was to be paid with effect from 01.05.2021. It is next submitted that petitioner on account of *Covid-19* was not in a position to pay the said amount, but is willing to pay each and every penny which has been fixed by the learned Family Court. It is further submitted that the petitioner within three months from today i.e. 11.10.2023 shall pay the entire amount of Rs. 1,00,000/- (Rs. One Lakh only) which presently is due in terms of the order passed by the learned Family Court. It is further submitted that the petitioner will keep paying the monthly maintenance of Rs. 5,000/- as agreed before this Court which will commence from 19.07.2023.

Learned counsel for the petitioner further submits that since the learned Family Court had fixed the maintenance at Rs. 4,000/- per month and the petitioner has



agreed to pay an amount of Rs. 5,000/- per month, as such Rs. 1,000/- in excess the petitioner has agreed to pay to the informant.

Learned counsel for the complainant submits that he will *WhatsApp* the bank account number of the complainant on the *WhatsApp* number 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 as agreed commences from 19.07.2023.

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 Complaint Case No. 2310 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that the informant would



be at liberty to file an application seeking cancellation of the anticipatory bail order of the petitioner in the event if the petitioner does not clear the entire dues by 11.10.2023 or does not pay the monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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