

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43419 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- MAHILA P.S. District- Araria

MD. SAJID Son of Md. Abbas @ Abbas Resident of Madhepura, Ward No. 2,
Panchayat Araria Basti, P.S- Bairgachi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Rana Randhir Singh, A.P.P.
For the Informant	:	Mr. Anil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 8 27-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 506, 509, 354A, 379 and 34 of the Indian Penal Code.
3. Learned counsel for the informant at the outset submits that the petitioner has performed his second marriage and the learned Family Court had fixed the monthly maintenance of Rs. 7,500/- to be paid to the informant and her three children by order dated 05.05.2022 in Maintenance No. 16 of 2021, it is next submitted that the



said amount was to be paid from the date of filing of the application. It is further submitted that the petitioner instead of complying with the order of the learned Family Court has filed a Criminal Revision No. 85 of 2023 challenging the order of maintenance on the ground that it was passed *ex parte*.

4. The learned counsel further submits that the informant along with three children are in dire need of money for their sustenance but the petitioner in order to negate the claim of the informant has preferred the aforesaid Criminal Revision when the amount of Maintenance fixed by no stretch of imagination for sustenance of four persons can be said to be in excess.

5. The learned counsel for the petitioner after hearing the submissions of the learned counsel for the informant based on instruction of the petitioner submits that petitioner is willing to redeem the entire arrears which has accumulated till date on account of non-payment of the same, it is further submitted that till date an amount of Rs. 2,32,500/- has become due out of which an amount of Rs. 71,000/- has already been paid and the rest of the amount



shall also be paid but then the petitioner requires some time. It is next submitted that if petitioner is sent to custody no useful purpose would be served but then if he starts paying the maintenance in that event, the informant and the children would survive.

6. The learned counsel for the petitioner next submits that petitioner from 07.08.2023 shall start paying an amount of Rs. 15,000/- per month so that the due which has accumulated is clear and at the same time the maintenance also become regular. The learned counsel next submits that he has been depositing the amount in the *nazarat* and the informant is receiving the same from the *nazarat* of the learned District Court.

7. 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 Araria (Mahila) P.S. Case No. 02 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the informant would be at liberty to file an application before this Court seeking cancellation of the anticipatory bail of the petitioner in the event, if the petitioner does not deposit the amount as agreed for two consecutive months in the *nazarat* of the learned District Court.

(Satyavrat Verma, J)

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