

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74031 of 2022

Arising Out of PS. Case No.-493 Year-2020 Thana- KESARIA District- East Champaran

NABI HASAN S/O AAS MOHAMAD Resident of village- Sangrampur Darji
Tola, P.S.- Sangrampur, District- East Champaran Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Subodh Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Humayou Ahmad Khan, APP
For the Informant :	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 25-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 494, 498A, 506, 504 and 34 of the Indian Penal Code and under Section 3 /4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that being husband, the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is willing to revive his conjugal relationship and will keep the informant with honour and dignity and shall ensure her well being.
4. Learned counsel for the informant submits that



informant is not willing to accompany the petitioner as petitioner has performed his second marriage.

5. Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that he has not performed his second marriage and even the informant was ready to accompany him but for the trouble being created at the end of his father-in-law, it is next submitted that had the petitioner performed his second marriage then by now the informant would have disclosed the name of the second wife as the matter has been lingering for some time. It is next submitted that though petitioner is willing to revive his conjugal relationship and if the informant is not willing to accompany him in that event he is willing to pay a monthly maintenance of Rs. 2,000/- to the informant as he has a puncture repairing shop of cycle.

6. Learned counsel for the informant, on instruction, agrees to the submission made by the learned counsel for the petitioner and submits that he will *Whatsapp* the bank account number of the informant 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 monthly maintenance, as agreed, commences from



01.09.2023.

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 Kesariya P.S. Case No. 493 of 2020 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 seeking cancellation of the anticipatory bail order of the petitioner in the event the petitioner for two consecutive months does not deposit the maintenance, as agreed, in the account of the informant.

(Satyavrat Verma, J)

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