

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9948 of 2024

Arising Out of PS. Case No.-1465 Year-2021 Thana- COMPLAINT CASE District- Araria

MD. NASIR HUSSAIN @ MD. NASIR SON OF MD. ISRAFIL R/O-
AHMADPUR, WARD NO. 01, P.S.-FORBESGANJ (SIMRAHA), DISTT.-
ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NASRA KHATOON @ NASARA PARVEEN WIFE OF MD. NASIR
HUSSAIN D/O-JAMIL, R/O-KHARHAR, P.S.-ARARIA (BAIRGACHHI),
DISTT.-ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti
For the Opposite Party/s : Ms. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 498A
and 34 of the Indian Penal Code read with Sections 3 and 4 of
the Dowry Prohibition Act.

3. The learned counsel appearing on behalf of the
petitioner submits that from perusal of the office report dated
21.06.2024, it would manifest that the notice has been received
by the O.P. No. 2.

4. Since the ordinary notice has been received by the
O.P. No. 2, as such, the notice is deemed to have been validly
served.

5. The learned counsel for the petitioner next submits



that petitioner, being husband, has been falsely implicated in the instant case by the complainant. It is next submitted that this perhaps explains why the complainant despite receiving notice chooses not to appear and contest, on which the learned APP submits that from perusal of the pleadings made in the anticipatory bail application, it manifests that from the wedlock, a child was born who presently is staying with the O.P. No. 2 and the petitioner works at Ludhiana. It is further submitted that it may be a possibility that O.P. No. 2 may not be in such a financial position to approach this Court through a learned lawyer, on which the learned counsel appearing on behalf of the petitioner submits that petitioner works as a labourer in Ludhiana and he is willing to restitute his conjugal rights, in the event if the O.P. No. 2 agrees to stay with him. It is further submitted that O.P. No. 2 is a temperamental lady as has been specifically stated at Para-12 to the anticipatory bail application and because of her temperamental nature, the relationship has deteriorated. It is next submitted that petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the O.P. No. 2.

6. At this stage, the learned APP for the State submits that no useful purpose would be served by sending the petitioner to jail since petitioner is ready to pay a monthly maintenance of



Rs. 3,000/- to the O.P. No. 2. It is also submitted that may be with passage of time and on intervention of well wishers, the parties may resolve their dispute.

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. 10,000/- (Rupees Ten 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. 1465C of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of monthly maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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