

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13355 of 2024

Arising Out of PS. Case No.-2212 Year-2022 Thana- COMPLAINT CASE District- Araria

Md. Nurul Hoda @ Nurul Hoda SON OF MD. NAJIB Resident Of Village -
KUJRI, PS- PALASI, DIST- ARARIA

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Hena Praween Daughter Of Haji Md. Mahjub Alam Resident Of
Village- Dhapi Ward No. Ps- Jokihat, Distt- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-08-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the OP No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A of
the Indian Penal Code.

3. The learned counsel appearing on behalf of the OP
No. 2 submits that OP No. 2 was ousted from her matrimonial
home in the year 2022, thereafter she was facing financial
hardship as such she filed an application before the learned
Principal Judge, Family Court, Araria seeking maintenance by
filing Maintenance Case No. 415M of 2022 on 11-11-2022. It is



submitted that notices were issued but the petitioner did not appear, despite the notice was validly served, as such the learned Family Court had no option but to pass an *ex parte* order and thus disposed of the maintenance case by directing the petitioner to pay a monthly maintenance of Rs. 5,000/- from the date of filing of the application. It is submitted that petitioner, despite being aware that an order has been passed in the maintenance case, did not pay a single penny, as such one can well imagine the plight of the OP No. 2, on which the learned counsel appearing on behalf of the petitioner submits that petitioner is willing to pay the maintenance as directed by the learned Family Court. It is also submitted that in the event if the privilege of anticipatory bail is granted to the petitioner, in that event, petitioner on the date of surrender will pay an amount of Rs. 50,000 to the OP No. 2 and two months thereafter shall pay the left over amount of the arrears of maintenance. It is also submitted that the monthly maintenance as directed shall be continued to be paid regularly.

4. The learned counsel appearing on behalf of the OP No. 2 submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay the monthly maintenance.



5. 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 provisional 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. 2212C of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. The learned trial court at the time of accepting the provisional anticipatory bail bonds shall verify, whether the OP No. 2 has received Rs. 50,000/- or not; and in the event, if it is found that the petitioner on the date of surrender or prior to that has not paid the amount of Rs. 50,000/- to the OP No. 2, in that event, the provisional anticipatory bail order shall not be given effect to. However, if the amount of Rs. 50,000/- is paid on or before the date of surrender, the provisional anticipatory bail bonds of the petitioner shall be accepted, and two months thereafter, if the rest of the Rs. 50,000/- is not paid, in that event, the informant will bring the said fact to the notice of the learned trial court and the learned trial court after hearing the petitioner



shall pass order in accordance with law, i.e., whether to confirm the provisional anticipatory bail or not to confirm the provisional anticipatory bail.

7. It is further made clear that the OP No. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if the amount of maintenance as directed by the learned Family Court, Araria is not paid to the OP No. 2 for two consecutive months.

8. At this stage, the learned counsel appearing on behalf of the OP No. 2 submits that he will WhatsApp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as directed by the learned Family Court, Araria is paid regularly.

(Satyavrat Verma, J)

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