

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14274 of 2024

Arising Out of PS. Case No.-1399 Year-2021 Thana- COMPLAINT CASE District- Araria

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Ansar Alam Son of Late Jahir Uddin R/o Village- Amirpur, Dhabaili, Ward
No.-03, P.S.- Tedagachh, Dist.- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nikahat Praveen Wife of Ansar Alam, D/o Late Siddique R/o Village-
Amirpur, Dhabaili, Ward No.-03, P.S.- Tedagachh, Dist.- Kishanganj At
present- R/o Village- Bangama, Ward No. 08, Post- Balwa Kaliyaganuj, P.S.-
Palasi, District- Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. No one appears on behalf of the O.P. No. 2.

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

4. The learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by the complainant. It is further submitted that
petitioner is still willing to keep the O.P. No. 2 and the child
with honour and dignity but for reasons best known the O.P. No.
2 is not interested in reviving her conjugal relationship. It is next



submitted that the complainant after instituting the instant complaint, also instituted a complaint case on 02.04.2022 in the Court of learned CJM, Kishanganj. It is also submitted that O.P. No. 2 has also instituted two maintenance cases, one at Araria and other at Kishanganj, as such, one can well imagine the plight of the petitioner in contesting cases at two places, but then it is submitted that petitioner, in order to establish his *bona fide*, is willing to pay a monthly maintenance of Rs. 3,000/- to the O.P. No. 2 and the child which shall commence from 19.08.2024. It is also asserted and submitted that petitioner is a labourer.

5. The learned APP for the State fairly submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs. 3,000/-.

6. 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. 1399 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

8. The learned Trial Court is requested to provide a copy of the instant order to the learned counsel appearing on behalf of the O.P. No. 2 before the learned Trial Court.

9. It is further made clear that in the event if the maintenance case is decided by a Court of competent civil jurisdiction, in that event the present maintenance will stop.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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