

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13471 of 2024

Arising Out of PS. Case No.-1928 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Sanjar SON OF KALIMUDDIN @ MD. KALIMUDDIN Village
-Sanjheli Mahamadia PS- Kasba District -Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHABANA KHATOON DAUGHTER OF SAPHUL Village -Sanjheli
Mahamadia PS- Kasba District -Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar
For the Opposite Party/s	:	Mr. Nityanand
For the O.P. No. 2	:	Md. Fazle Karim

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-03-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

O.P. No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498(A) of

the Indian Penal Code.

3. Learned counsel for the petitioner submits that

petitioner has been falsely implicated in the instant case by the

O.P. No. 2. It is asserted and submitted that O.P. No. 2 is a

married lady and she was married to Md. Ishtekhar as would

manifest from *Annexure-2* to the anticipatory bail application. It

is further submitted that since the petitioner is a co-villager of



O.P. No. 2 and the O.P. No. 2 was not having cordial relations with her husband, as such, he used to take his advice and later she got him implicated in the present false case. It is also asserted and submitted that O.P. No. 2 has not sought divorce from Md. Ishtekhar in accordance with law.

4. The learned counsel appearing on behalf of the O.P. No. 2 rebuts the submission of the learned counsel for the petitioner and submits that no doubt the O.P. No. 2 was married to Md. Ishtekhar but after obtaining divorce, she performed her marriage with the petitioner, but then submits that presently he does not have any photograph of the wedding nor has any valid document to establish that O.P. No. 2 was married to petitioner but then has a notarized affidavit, notarized at Purnea.

5. The learned counsel for the petitioner, at this stage, again vehemently opposes the submissions made by the learned counsel appearing on behalf of the O.P. No. 2 and submits that petitioner was never married to the O.P. No. 2 nor O.P. No. 2 till date has obtained divorce from her husband but then submits 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 which shall commence from 01.04.2024, but then the said maintenance amount would be subject to the decision of the case in the trial.



6. Learned counsel appearing on behalf of the O.P. No. 2 submits that he will *Whatsapp* the bank account number of the O.P. 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 forward the same to the petitioner so that the monthly maintenance, as agreed, commences from 01.04.2024.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. 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 C.A. Case No. 1928 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. 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.

10. It is further made clear that the present maintenance shall be subject to an order passed by a Court of competent jurisdiction fixing maintenance or till adjudication of the present criminal case, whichever is earlier

(Satyavrat Verma, J)

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