

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22488 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SAIF KHAN @ SAIF KHA Son of Parwej Kha @ Pervaj Khan Resident of
Village-Alawalpur, Mohalla-Rajdepur, P.S.-Ghazipur Kotwali, District-
Ghazipur, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. NIKHAT PRAVEEN Wife of Saif Khan @ Saif Kha, daughter of Riyasat Khan Resident of Village-Alawalpur, Mohalla-Rajdepur, P.S.-Ghazipur Kotwali, District-Ghazipur, Uttar Pradesh. At present residing at Bhabhua, PO-Chata, P.S.-Durgawati, District-kaimur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Swetabh
For the Opposite Party/s : Mr. Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-04-2024 1. Heard learned counsel for the petitioner and

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

on behalf of the O.P. No. 2, Ms. Rupa.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A of the

Indian Penal Code read with Sections 3 and 4 of the Dowry

Prohibition Act.

3. Learned counsel for the petitioner submits that the

petitioner is the husband and the relationship in between him

and the O.P. No. 2 has deteriorated to an extent where it is not

possible to revive the conjugal relationship in the present case,



but then the learned counsel for the petitioner fairly submits that with passage of time, the parties may reconcile, as such, no useful purpose would be served by sending the petitioner to jail when he is ready to pay a monthly maintenance of Rs. 6,000/- to the O.P. No. 2. It is further submitted that petitioner works as an A.C. mechanic.

4. The learned counsel appearing on behalf of the O.P. No. 2, Ms. Rupa, submits that she has instructions to make submissions not to oppose the anticipatory bail application of the petitioner, since petitioner is willing to pay a monthly maintenance of Rs. 6,000/-. It is further submitted that she 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 01.05.2024.

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 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. 395 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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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