

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17051 of 2024

Arising Out of PS. Case No.-365 Year-2019 Thana- COMPLAINT CASE District- Banka

Md. Sultan Ansari S/o Md. Umar Ansari R/o Vill - Teliya, P.S. and Dist. - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sahin Khatoon, W/o Md. Sultan Ansari, D/o Md. Maqsood R/o Vill - Teliya, P.S. and Dist. - Banka, At Present, R/o Vill - Rabbidih, P.S. - Dhoraiya, Dist. - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandan Prasad
For the Opposite Party/s	:	Mr.Md. Anzarul Haque Sahara
		None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-08-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. No one appears on behalf of the opposite party no.2.

3. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 323, 498(A), 504, 506 and 494 of the Indian Penal Code and Sections 3 and 4 of the D. P. Act, but cognizance has been taken under Section 498(A) of the I.P.C.

4. The learned counsel for the petitioner submits that the petitioner, being husband, has been falsely implicated in the instant case by the opposite party no.2. It is also submitted that



despite best endeavour of the petitioner to bring back the opposite party no.2 to her matrimonial home failed. It is also submitted that whenever petitioner goes to the parental home of the opposite party no.2 to fetch her back along with the child, he is assaulted by the family members of the opposite party no.2. It is next submitted that presently the relationship has soured to an extent where it is not possible to revive the conjugal relationship, but then, with passage of time and on intervention of well-wishers, the parties may reconcile their dispute, as such, no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs.2500/- (Two thousand and five hundred) to the opposite party no.2, which shall commence from 09.09.2024. It is also submitted that petitioner sells ice cream in the village.

5. Learned A.P.P. also fairly submits that since petitioner is willing to pay a monthly maintenance of Rs.2500/-, as such, no useful purpose would be served by sending the petitioner to jail.

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 Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Banka in connection with Complaint Case No.365 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner, in the event, if the petitioner does not pay/give the monthly maintenance as agreed for two consecutive months.

9. It is further made clear that the present maintenance will stop, the moment maintenance is fixed by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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