

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20272 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- SATHI District- West Champaran

Shikandar Khan @ Sikander Khan, S/o Azim Khan, Resident of
Village-Barwa Kala, P.O.-Dhamaura, Chanpatiya, Police Station-Sathi,
District-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. SALMA KHATOON D/o Sheikh Rais Resident of Village-Ramauli,
Police Station-Sikarpur, District-West Champaran.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Shailesh Kumar, Advocate Mr.Shahbaj Alam, Advocate
For the State	:	Mr.Md. Ataur Rahman, APP
For the O.P. No.2	:	Mr.Amrendra Nath Verma, Advocate Ms.Surbhi Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 22-11-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State duly assisted by

learned counsel for the informant/O.P. No.2.

2. Both parties have appeared in-person.

3. The accused/petitioner is named in the F.I.R. and

apprehending his arrest in connection with Sathi P.S. Case

No. 202 of 2023 registered for the offences punishable under

Sections 341, 323, 354, 504, 506, 498-A and 143 of the

Indian Penal Code.

4. The allegation against the petitioner is to commit



cruelty against O.P. No. 2/wife and demanded dowry.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation *qua* cruelty and demand of dowry is appearing very general and omnibus and just an afterthought out of matrimonial discord. It is submitted that however, as a matter of good gesture, petitioner is ready to pay Rs. 4000/- per month to the account No. 5578557296, Central Bank of India, Shikarpur Branch, as an ad-interim maintenance to the informant/O.P. No. 2 namely, Salma Khatoon till disposal of the present case, as passed by family court in Maintenance Case No. 304(M) of 2023. It is prayed that considering same monetary protection order of Rs. 5000/- as passed in Domestic Violence Case No. 77 of 2023 be stayed.

6. Considering aforesaid, as the petitioner is ready to pay Rs. 4000/- per month, prayer of anticipatory bail of the petitioner was not objected by Mr. Amrendra Nath Verma, learned counsel appearing on behalf of informant/O.P. No. 2.

7. In view of the aforesaid facts and circumstances of the case and by taking note of totality of accusation where



petitioner is ready to pay a sum of Rs. 4000/- per month to the informant/O.P. No. 2 in her bank account as stated above in terms of interim maintenance order of the Family Court dated 21.05.2024 passed in Maintenance Case No. 304/2023, accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Sathi P.S. Case No. 202 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S."). with further conditions :-

- (i) Petitioner shall pay Rs. 4,000/- as an ad-interim maintenance amount to bank account of wife /O.P. No. 2, which is already available with the petitioner, on or before 7th day of English calendar month.



(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months, the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2/wife.

8. So far as Domestic Violence Case No. 77 of 2023 is concerned, considering the financial conditions, as submitted, the monetary protection of Rs. 5000/- per month be kept on hold till final outcome of the learned Family Court.

(Chandra Shekhar Jha, J)

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