

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39218 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA P.S District- West Champaran

SHAMIM AKHTAR Son of Late Md. Islam Resident of village - Balrampur,
P.S. - Purushotampur, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tasanum Khatoon Wife of Shamim Akhtar, D/o Rabi Ahmad Resident of village - Sitwapur, P.S. - Sikarpur, Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 01-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 341, 323, 354(B), 504 and 506/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that petitioner, being the husband of the opposite party no. 2, has been falsely implicated in the present case. It is further submitted that the case was referred for mediation but the mediation failed. It is next submitted that thereafter the



relationship has soured to an extent that it is not possible to revive the conjugal relationship but the petitioner is willing to pay a monthly maintenance amount of Rs.4,000/- to the opposite party no. 2 on which learned counsel for the opposite party no. 2 submits that he has instruction to make submission on behalf of the opposite party no. 2 that in the event if the petitioner is ready to pay a monthly maintenance of Rs.4,000/- then in that event not to oppose the anticipatory bail application. It is also submitted by the learned counsel appearing on behalf of the opposite party no. 2 that he will Whatsapp the bank account number of the opposite party no. 2 on the Whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 11.03.2024.

4. Considering the submissions made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Bettiah Mahila P.S. Case No. 28 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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