

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39467 of 2023

Arising Out of PS. Case No.-83 Year-2019 Thana- MAHILA P.S. District- Bhojpur

Parwez Ansari @ Parwez Alam Ansari @ Parwez Alam Ansari @ Parvez S/O
Late Rahmutulla Ansari R/O Village- Brahampur, P.S- Brahampur, Distt.-
Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Sahana Banu D/O Manjur Alam R/O Village- Pipra Jagdish, Post-
Lahang, P.S- Bihiyan, Distt.- Bhojpur (Arra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bandana Singh, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP
Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

6 01-10-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
O.P. No.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 498A, 504, 506/34 of the IPC and Section 3/4
of Dowry Prohibition Act in connection with Bhojpur (Ara)
Mahila P.S. Case No.83 of 2019.

3. The learned counsel appearing on behalf of O.P.
No.2 submits that the case was referred for mediation, but then



the mediation failed as would manifest from the report of the learned Mediator dated 10.04.2024.

4. It is next submitted that petitioner had earlier moved seeking anticipatory bail by filing Cr. Misc. No.84436 of 2019 and the Court was pleased to grant provisional anticipatory bail to the petitioner by an order dated 18.06.2020 with certain conditions and the provisional bail was for six months. It is next submitted that since the condition of the provisional bail was not adhered to by the petitioner, as such the provisional bail was not confirmed rather was rejected by an order dated 11.08.2022 passed by the learned S.D.J.M., Bhojpur at Ara. It is next submitted that petitioner for reasons best known has not annexed the order dated 18.06.2020 by which he was granted the privilege of provisional anticipatory bail, but then has only annexed the order dated 19.12.2019 in Cr. Misc. No.84436 of 2019 by which notices were issued on the O.P. No.2 and no coercive action was granted.

5. The learned counsel appearing on behalf of the O.P. No.2 further submits that O.P. No.2 since 2019 has been ousted from her matrimonial home and since then not a single penny has been paid to the O.P. No.2 towards maintenance, as such one can well imagine the plight of the O.P. No.2 that how she is



sustaining herself in absence of any financial support.

6. The learned counsel appearing on behalf of the O.P. No.2 next submits based on instruction that since the dispute is matrimonial as such no useful purpose would be served by sending the petitioner to jail, as it has been submitted by the learned counsel appearing on behalf of the petitioner based on instruction that petitioner is willing to pay a monthly maintenance of Rs.7000/- which shall commence from 07.10.2024.

7. The learned counsel appearing on behalf of the petitioner also submits that no useful purpose would be served by sending the petitioner to jail since petitioner is willing to pay a monthly maintenance of Rs.7000/- to the O.P. No.2, it is also submitted that if petitioner is send to judicial custody the chances of future reconciliation will also get marred. It is next submitted that out of the wedlock a child was born who presently is staying with the petitioner at Mumbai and the petitioner is taking good care of him and the child is studying in a school.

8. The learned counsel appearing on behalf of the O.P. No.2 at this stage submits that he will provide the bank account number of the O.. 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 communicate the same to the petitioner, so that the monthly maintenance as agreed commences from 07.10.2024.

9. Considering the submissions made by the learned counsel for the parties and also taking into consideration the fact that the dispute is matrimonial, 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 S.D.J.M., Ara in connection with Bhojpur (Ara) Mahila P.S. Case No.83 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. 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 pay the monthly maintenance as agreed for two consecutive months.

11. It is further made clear that if a Court of



competent jurisdiction decides the issue of maintenance, in that event the present maintenance shall stop.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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