

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48878 of 2024

Arising Out of PS. Case No.-1164 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

Md. Azazul Haque S/o Tajamul Khan R/o Village – Maharajpur, Police
Station - Taljhari, District- Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Neha Praveen D/o Jahoor Alam R/o Village- Mayaka Aaga Tola, P.S.-
Sadar, Moffasil, District-Sahebganj (Jharkhand)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 24-09-2024 1. Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad learned A.P.P. for the State and learned counsel appearing on behalf of the complainant/opposite party no. 2.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323 and 498A of the Indian Penal Code.
3. Learned A.P.P., at the outset, submits that in compliance of the order dated 23.09.2024, the Station House Officer of the concerned police station had gone to the house of the opposite party no. 2 to verify with regard to her health condition and has reported that she is suffering from Typhoid.
4. Learned counsel appearing on behalf of the



petitioner submits that petitioner works with Tripura Rifles and is posted at Tripura. It is further submitted that petitioner is willing to keep the opposite party no. 2 and the children with honour and dignity. It is next submitted that petitioner had come to his native place after taking leave only with a view to take back the opposite party no. 2 and the children to Tripura along with himself, but since opposite party no. 2 is suffering from Typhoid as such it may not be possible for the petitioner to take her back to Tripura but then it is submitted that petitioner will go and meet the opposite party no. 2 on which learned counsel appearing on behalf of the opposite party no. 2 submits that even opposite party no. 2 is willing to join the petitioner along with the children but she requires some time on account of suffering from Typhoid.

5. The petitioner, who is present in the Court, submits that he himself will take the initiative of bringing the opposite party no. 2 and the children back to their matrimonial home. The petitioner further submits that since opposite party no. 2 is suffering from Typhoid as such petitioner will be paying a monthly maintenance of Rs.7,000/- to the opposite party no. 2 apart from the medical expenses which would incur on her treatment. The petitioner next submits that if opposite party no.



2 will accompany him to Tripura in that event also he will continue giving her that amount for her expenses but if for any reason she does not intend to accompany him in that event the maintenance will continue.

6. Learned counsel appearing on behalf of the opposite party no. 2 submits that no useful purpose would be served by sending the petitioner to jail as petitioner has assured this Court that he will make all endeavours to take the opposite party no. 2 along with the children back to Tripura and will also pay a monthly maintenance.

7. At this stage, learned counsel for the opposite party no. 2 further submits that he will WhatsApp the bank account number of the opposite party 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 30.09.2024

8. Learned A.P.P. for the State is present.

9. Considering the submissions made by the learned counsel for the petitioner, let 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 C.A. Case No. 1164 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if petitioner does not credit the amount of maintenance as agreed for two consecutive months which shall commence from 30.09.2024.

11. The personal appearance of the petitioner is dispensed with.

(Satyavrat Verma, J)

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