

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40711 of 2023

Arising Out of PS. Case No.-2194 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md Masih Alam @ Masih Alam S/O Late Md. Mansoor @ Late Md. Mansur
@ Md. Mansur R/O Village- Islampur, Pokhariya, Post-Danauli Phulwaria,
Ps. Ballia, Dist. Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shifat Praveen W/O Md. Masih Alam @ Masih Alam, D/O Md. Nasim
Presently Residing At Village- Kasba, Post Hussaina, Ps. Ballia, Dist.
Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 28-08-2024 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of

the OP No.2.
2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 498A,

323, 341 and 379 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that

petitioner is still willing to keep the OP No. 2 with honour and

dignity along with the child, on which learned counsel

appearing on behalf of the OP No. 2 submits that OP No. 2 has

suffered immense torture and thus she does not intend to



restitute her conjugal rights, but then submits that OP No. 2 was ousted from her matrimonial home in the year 2022, along with the child, and since then not a single penny has been paid towards maintenance, as such, one can well imagine the plight of the OP No. 2 and the child, but then learned counsel fairly submits that petitioner is a labourer.

4. Learned counsel appearing on behalf of the petitioner submits that he has instruction to make submission that petitioner is willing to pay a monthly maintenance of Rs. 2,500/- to the OP No. 2.

5. Learned counsel appearing on behalf of the OP No. 2 submits that since petitioner is willing to pay a monthly maintenance, as such, no useful purpose would be served by sending him to jail. It is also submitted that he will WhatsApp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance commences from 9-9-2024.

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 trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 2194C of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that OP 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 deposit the monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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