

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45277 of 2024

Arising Out of PS. Case No.-10930 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Asif Khan Son Of Babu Khan R/O- 154 Roshan Enclave Dasna, P.S.-
Mussoori, Distt.- Gaziabad (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Darkasha Parveen D/O- Late Md. Sharfuddin, Wife Of Asif Khan R/O-
Kagji Mohalla, Biharsharif, P.S.- Town Police Station, Distt.- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP
Mr. Ajit Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 07-10-2024 Earlier, the matter was referred to Mediation Centre,

but the dispute between the parties could not be settled through

the process of mediation and as such, mediation failed (report at

flag 'M').

2. Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel for the opposite party No. 2.

3. The petitioner apprehends his arrest in connection with

Complaint Application No. 10930-C of 2022 for the offences

punishable under Sections 498A, 354, 379, 506 of the Indian

Penal Code and Section 4 of Muslim Women (Protection of

Rights on Marriage) Act.

4. Learned counsel appearing on behalf of the petitioner



submits that the petitioner is the husband of the Opposite party no. 2. The petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3,000/- per month, starting from this month, to opposite party no. 2.

5. Learned counsel appearing on behalf of the opposite party no. 2 does not dispute the contention made on behalf of the petitioner.

6. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3,000/- (three thousand) per month to the opposite party no. 2, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Patna in connection with Complaint Application No. 10930-C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as on the following conditions:-

‘(i) Opposite party no. 2 would file an affidavit before the Court below and bring on record her savings bank account number for its communication to the petitioner.

(ii) Petitioner would deposit the aforesaid maintenance



amount per month in the savings bank account of the O.P. No. 2.

(iii) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the Court below would be at liberty to cancel the bail-bond.

(iv) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.’

(Prabhat Kumar Singh, J)

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