

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47422 of 2024

Arising Out of PS. Case No.-550 Year-2018 Thana- COMPLAINT CASE District- Araria

Abu Sufiyan @ Sufiyan Rahi S/O Late Kafil Uddin R/O Village-Kamat
Tola, ward no.13, P.S.-Jokihat, Araria

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Ashiya Khatun @ Shadana R/O Village-Sabida, P.S.-Jokihat, Distt-Araria
- Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhav Jha, Advocate
For the Opposite Party/s :	Ms. Sharda Kumari, APP
	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-08-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the O.P. No.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A of the IPC and $\frac{3}{4}$ of the D.P. Act in connection
with Araria Complaint Case No.550 of 2018.

3. The learned counsel for the petitioner submits that
the relationship in between the petitioner and the O.P. No.2 has
soured to an extent where it is not possible to revive the
conjugal relationship. It is next submitted that the learned
Family Court, Araria in Maintenance Case No.79 of 2018 had
directed the petitioner to pay an amount of Rs.8000/- by way of



maintenance with effect from 15.03.2019 i.e. from the date of the order, but then the said amount could not be paid to the O.P. No.2 as the O.P. No.2 on intervention of well-wishers had joined the petitioner as wife, but again in 2022 she left her matrimonial home and the instant false case came to be instituted, but then fairly submits based on instruction that petitioner is willing to pay the entire arrear of maintenance which is more than six lakhs within a period of six months from today. It is also submitted that monthly maintenance as fixed now shall be paid regularly in the first week of every month commencing from September, 2024.

4. It is next submitted that petitioner on the date of surrender will pay an amount of rupees one lakh to the O.P. No.2 and six month thereafter shall clear all the dues of arrear, but shall keep paying the monthly maintenance regularly.

5. The learned counsel appearing on behalf of the O.P. No.2 fairly submits that no useful purpose would be served by sending the petitioner to jail as petitioner has agreed for clearing the arrear of maintenance and also that regular maintenance shall be paid in first week of every month commencing from September, 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 Court below within a period of six weeks, is directed to be **released on provisional anticipatory bail** on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Araria in connection with Araria Complaint Case No.550 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the provisional anticipatory bail bonds of the petitioner shall be accepted only if on the date of surrender the petitioner satisfy the court that he has already given an amount of rupees one lakh to the O.P. No.2.

8. It is further made clear that if the petitioner does not pay the rest of the arrear amount of maintenance within a period of six months from the date of surrender in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. The O.P. 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 deposit the amount of monthly maintenance as agreed for two



consecutive months.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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