

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49276 of 2024

Arising Out of PS. Case No.-420 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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Sabir Liyakat Ansari @ Md. Sabir Raja, S/o Late Liyakat Hussasin R/o vill -
Amritpur Prasad, P.S. - Vaishali, Dist. - Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarannum Khatun, W/o Sabir Raja R/o Mohalla - Karimchak, P.S. - Chapra,
Distt. - Saran at Chapra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Murli Dhar
Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-09-2024 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the complainant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498(A) of the Indian Penal Code and Sections 3 and 4
of the D. P. Act.

3. The learned counsel for the petitioner submits that
the petitioner, being husband, has been falsely implicated in the
instant case by the complainant. It is further submitted that
petitioner was married to opposite party no.2 in the Year 2012
and the present case came to be instituted in the Year 2017. It is



also submitted that on account of dispute, the opposite party no.2 had left her matrimonial home. It is next submitted that relationship presently has soured to an extent where it is not possible to revive the conjugal relationship, but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute.

4. It is also submitted that petitioner, being husband, is aware of his responsibility and is willing to pay a monthly maintenance of Rs.6,000/- (Six Thousand) to the opposite party no.2, which shall commence from 30.09.2024.

5. The learned counsel appearing on behalf of the opposite party no.2 fairly submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.6,000/-. It is also submitted that if petitioner is sent to jail, the chances of reconciliation of dispute in future will get marred. It is next submitted that the bank account number of the opposite party no.2 shall be whatsapped 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.



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 bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saran at Chapra in connection with Complaint Case No.420 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

9. It is further made clear that the present maintenance will stop, the moment maintenance is fixed by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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