

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51930 of 2023

Arising Out of PS. Case No.-478 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Tauseef Son Of Jyaul Mursalin Resident Of Village- Ahiroliya, Ward No. 3, Po- Ahirwaliya, Ps- Ramgarhwa, Distt- East Champaran, At Present New Azimabad Colony, Sector-D, Po- Mahendra, Ps- Bahadurpur, Distt- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shahjahan Khatoon @ Sahnaz Tarannum Wife Of Md. Tauseef Resident Of Village- Ahiroliya, Ps- Ramgarhwa, Distt- East Champaran, At Present Gulriya, Ps- Darpa, Distt- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha
For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 18-04-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the O.P. No.2.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 498(A) of the Indian Penal Code.
3. Learned counsel for the petitioner at the outset submits that the case was referred for mediation but then the mediation proceeding failed. It is next submitted 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 in the present. It is further submitted that



the O.P. No.2 suffers from certain mental illness and the same was concealed at the time of marriage. It is next submitted that the O.P No.2 is not even willing to get herself treated but then it is submitted that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay a monthly maintenance of Rs.8000/- to the O.P No.2 for her maintenance.

4. The learned counsel appearing on behalf of the O.P. No.2 vehemently opposes the submission made by the learned counsel for the petitioner and submits that the O.P. No.2 does not suffer from any kind of mental illness (Bipolar disease). It is further submitted that the O.P No.2 is a balanced lady but then no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay a monthly maintenance of Rs.8000/- to the O.P. No.2. It is next submitted that the bank account number of the O.P No.2 shall be whatsapped on the whats app 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 01.05.2024.

5. Considering the submissions made by the learned counsel for the parties, 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.10,000/- (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.478© of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that 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 maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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