

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54927 of 2023

Arising Out of PS. Case No.-1355 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

MD. SIKANDAR KHAN Son of Shahjahan Resident of village - Shila, Post -
Dhibar, P.S. - Fatehpur, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAJNEE KHATOON D/o Md. Eaijul Khan, W/o Md. Sikandar Khan R/O
MAIKE VILLAGE BAHARA, P.S. GOVINDPUR, DISTRICT NAWADA,
ADDRESS SASURAL R/O VILLAGE SHILA, POST DHIBAR, P.S.
FATEHPUR, DISTRICT GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, A.P.P.
For the O.P. No. 2	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-03-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of
the Indian Penal Code and Section 4 of the Dowry Prohibition
Act.

3. Learned counsel for the parties jointly submitted
that the case was referred for mediation but then the mediation
failed.

4. Learned counsel appearing on behalf of the
petitioner submits that the relationship in between the petitioner



and the opposite party no. 2 has soured to an extent that it is not possible to revive the conjugal relation.

5. Learned counsel appearing on behalf of the opposite party no. 2 also concurs with the said submission but then submits that the marriage is still subsisting and the opposite party no. 2 is suffering on account of financial issues on which learned counsel for the petitioner submits that the petitioner is willing to pay a monthly maintenance of Rs.3,000/- (rupees three thousand) to the opposite party no. 2. It is further submitted that the maintenance as agreed will commence from 15.04.2024.

6. Learned counsel appearing on behalf of the opposite party no. 2 submits that in the meantime he will try to obtain the bank account number of the opposite party no. 2 and will Whatsapp the same on the Whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the maintenance as agreed commences from 15.04.2024.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. In view of the joint 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 1355 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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