

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52120 of 2023**

Arising Out of PS. Case No.-953 Year-2022 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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Mohammad Imam Akhter @ Md. Imam Akhter @ Imam Akhter Son Of Late  
Alimuddin @ Banka R/O-Kalianagar Bhela Tola, P.O.-GANJAN, P.S.-  
BARSOI, Distt.-KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nujhat Bano Daughter Of Md. Manowar W/O-Mohammad Imam Akhter @  
Md. Imam Akhter @ Imam Akhter, R/O-Kalianagar Bhela Tola, P.O.-  
GANJAN, P.S.-BARSOI, Distt.-KATIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajendra Prasad Sah  
For the Opposite Party/s : Mr.Anish Chandra

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      01-05-2024                      1.    Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2.    The petitioner apprehends his arrest in connection  
with C.A. 953 of 2022 for the offences punishable under  
Sections 307, 323, 354, 498A of the Indian Penal Code and  
Sections 3 and 4 of DP Act.

3.    The learned counsels for the parties jointly  
submitted that the case was referenced for mediation, but then  
the mediation proceedings failed.

4.    The learned counsel appearing on behalf of the OP  
No. 2 submits that the petitioner is enjoying the privilege of stay



on arrest since 11-8-2023. It is further submitted that on the one hand, the petitioner in order to establish his bonafide has filed an application seeking restitution of conjugal rights, but then during the course of mediation proceedings, the petitioner was not willing to take OP No. 2 back to her matrimonial home which amply demonstrates that the application filed seeking restitution of conjugal rights was nothing but a ploy to gain sympathy. The learned counsel next submits that OP No. 2 is staying apart from the petitioner for the last nearly two years and in these two years, the petitioner has not paid a single penny towards her maintenance as such, one can well imagine the plight of OP No. 2 that how she is sustaining her marriage rather, she is completely dependent on her parents.

5. The learned counsel appearing on behalf of the petitioner is not in a position to rebut the submission of the learned counsel for the OP No. 2 that mediation proceedings have failed and the petitioner in these two years has not paid a single penny towards her maintenance.

6. Considering the submission made by the learned counsel appearing on behalf of the OP No. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.



7. Accordingly, the anticipatory bail application is dismissed.

(Satyavrat Verma, J)

SUMIT/-

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