

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62672 of 2024

Arising Out of PS. Case No.-1978 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

=====

Rehan Abbas @ Syed Rehan Abbas S/O Late Syed Ibne Haider Resident of
Village- Mustfabad, Police Station- Goriya Kothi, District- Siwan
... .. Petitioner/s

Versus

1. The State of Bihar
2. Tausef Fatima D/O Aftab Ali, Ex Wife of Rehan Abbas R/O Village-
Fazilpur, P.S- Hussainganj, Distt.- Siwan.
... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 324,
406, 504, 506 and 498(A) of the Indian Penal Code as well as
Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
instant case by the complainant. It is further submitted that the
relationship in between the petitioner and the complainant has
soured to an extent where it is not possible to revive the
conjugal relationship. It is next submitted that petitioner has



filed divorce case being Divorce Case No. 896 of 2024 which is pending adjudication in the Court of learned Principal Judge, Family Court, Siwan. It is also submitted that petitioner made all endeavours to revive his conjugal relationship but then the petitioner was not successful as the complainant along with the child left her matrimonial home, hence, petitioner had no option but to file the aforesaid divorce case. It is further submitted that petitioner is willing to pay a monthly maintenance of Rs.4,500/- which shall commence from 31.12.2024.

4. Learned counsel appearing on behalf of the complainant fairly submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs.4,500/-. It is further submitted that bank account number of the complainant shall be WhasApped 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 31.12.2024.

5. Considering the submissions made by the learned counsel for the parties, let 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. 1978 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

7. It is made clear that if a court of competent jurisdiction fixes the maintenance in that event the present maintenance shall stop.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

