

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59395 of 2024

Arising Out of PS. Case No.-2251 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Mohammad Irshad Khan @ Jhuna Khan Son of Late Mohammad Imam Khan
Village- Koini Khan Tola, P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sitara Khatoon @ Sitara Praveen Wife of Mohammad Irshad Khan @ Jhuna Khan, Daughter of Shamsuddin Khan R/O Vill.- Bharthui, Post and P.s.- Ziradai, Dist.- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the O.P. No.2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 498(A),
323, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that petitioner at the time of Nikah, started demanding a
Bullet motorcycle but on persuasion, Nikah was performed on
07.04.2021, thereafter, the accused persons including the
petitioner started torturing her for non-fulfillment of the demand



of Rs. 2 lacs and a motorcycle, further when she became pregnant, her pregnancy was aborted as she was administered pills and on 16.04.2022 she was ousted from her matrimonial home.

4. Learned counsel for the petitioner submits that presently the relationship in between the petitioner and the O.P. No.2 has deteriorated to an extent where it is not possible to revive the conjugal relationship but then in future the parties may reconcile, as such, no useful purpose would be served by sending the petitioner to jail which may mar the chance of future reconciliation. It is also submitted based on instruction that the petitioner is willing to pay a monthly maintenance of Rs.7000/- to the O.P. No.2, which shall commence from 02.09.2024.

5. The learned counsel appearing on behalf of the O.P. No.2 fairly submits that no useful purpose would be served by sending the petitioner to jail since the petitioner is willing to pay a monthly maintenance of Rs.7000/- 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. 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 02.09.2024.

6. Considering the submissions made by the learned counsels 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 trial court where the case is pending/successor court in connection with Complaint Case No.2251/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, 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 credit the amount of maintenance, as agreed, for two consecutive months.

(Satyavrat Verma, J)

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