

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63163 of 2024

Arising Out of PS. Case No.-1526 Year-2023 Thana- COMPLAINT CASE District- Araria

Usman @ Md. Usman S/o Ismail R/o Village- Uda, Ward No 08, P.S.-
Jokihat, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasrati Khatoon W/o Usman, D/o Yunus R/o vill - Banmottar, ward no. 13,
P.S. - Jokihat, Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 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 323, 498A
of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner being husband has been falsely implicated in the
instant case by the O.P. No.2. It is next submitted that
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 but then with passage of



time the petitioner and the O.P. No.2 may come together. It is next submitted that in the event if the petitioner is sent to jail the chances of any future reconciliation shall also become bleak. It is next submitted that the petitioner in order to establish bonafide is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2.

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.3000/- 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 31.12.2024.

6. Considering the submissions made by the learned counsel for the petitioner, 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 Araria Complaint Case No.1526/2023, 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 deposit the amount of maintenance, as agreed, for two consecutive months.

8. It is also made clear that if the Court of competent jurisdiction fixes the maintenance, in that event, the present maintenance shall stop.

(Satyavrat Verma, J)

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