

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63569 of 2023

Arising Out of PS. Case No.-709 Year-2022 Thana- GAYA KOTWALI District- Gaya

MD SHAHROZ ALAM @ SAHROJ ALAM @ MINTU Son of Md. Naseem Alam @ Naseem Alam R/o vill - C.K. Road, Choudhriyana, P.S. - Arrah Town, Distt. - Bhojpur at Arrah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mosaraat Jhan W/o Md. Shahroz Alam @ Sahroj Alam @ Mintu, D/o Jamir Uddin R/o vill - Chatta Bari Masjit, P.S - Kotwali, Dist. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anjum Perveen, Adv.
For the Opposite Party/s	:	Mr. Fahimuddin, APP
For the O.P. No.2	:	Mr. Afham Akhtar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 22-07-2024 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 341, 323, 498(A), 34 of the Indian Penal Code & Sections 3/4 D.P. Act.

3. Learned counsel for the petitioner submits that petitioner being the husband has been falsely implicated in the instant case by the O.P. No.2. It is further submitted that 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 that the petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P. No.2.

4. The learned counsel appearing on behalf of the O.P. No.2 also 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.5000/- 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 05.08.2024.

5. 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.10,000/- (Rupees Ten 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 Kotwali P.S. Case No.709/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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.

7. It is further made clear that the present maintenance will stop, the moment a Court of competent jurisdiction decides the maintenance case filed by the O.P. No. 2.

(Satyavrat Verma, J)

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