

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64752 of 2023**

Arising Out of PS. Case No.-133 Year-2023 Thana- POTHIIYA District- Kishanganj

Abdul Subhan @ Subhan Son Of Ajhar Ali @ Md. Ajhar Ali Village  
Dhobidanga, Ps- Pothia, Dist- Kishanganj

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Yasin Ara Wife Of Abdul Subhan @ Subhan Village- Dhobidanga, Ps-  
Pothia, Dist- Kishanganj

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Parmanand Prasad

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

4      22-04-2024                      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, 342,  
323, 307, 498A, 504, 506 and 34 of the Indian Penal Code and  
Sections 3 and 4 of the D.P. Act.

3. The petitioner and the O.P. No.2 in compliance of  
the order dated 20.04.2024 are present in the court along with  
their respective learned counsels.

4. The learned counsel for the parties jointly  
submitted that the case was referred for mediation but then the



mediation proceeding failed. It is next submitted by the learned counsel for the petitioner that the 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 relationship in between the petitioner and the O.P. No.2 may improve but then no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay a monthly maintenance of Rs.5000/- to the O.P. No.2 and the children. It is next submitted that petitioner is a labourer.

5. The learned counsel appearing on behalf of the O.P. No.2 also does not dispute the said submission of the learned counsel appearing on behalf of the petitioner that no useful purpose would be served by sending the petitioner to jail when he is willing to pay a monthly maintenance of Rs.5000/-. It is next submitted by the learned counsel for the O.P. No.2 that he will whats app the bank account number of the O.P. No.2 on whats app number of the learned counsel appearing on behalf of the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the monthly maintenance as agreed commences from 01.05.2024.

6. Considering the submissions made by 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 Pothia P.S. Case No.133/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, O.P. No.2 shall be at liberty to file an application before this court seeking cancellation of 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.

**(Satyavrat Verma, J)**

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