

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75911 of 2023

Arising Out of PS. Case No.-108 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

Md. Sajjad Khan S/O Md. Sahabuddin R/O Jabbarchak, Near Municipal
Godown, Police Station- Tatarpur, Distt.- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 22-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. along with learned counsel for the O.P. No. 2.
2. Learned counsel for the parties jointly submitted
that the case was referred for mediation, but then, the mediation
failed.
3. Learned counsel for the petitioner submits that
relationship in between the petitioner and the O.P. No. 2 has
soured to an extent that it is not possible to revive the conjugal
relationship in the present but with passage of time, the parties
may come together as the petitioner had married the O.P. No. 2
after the death of his first wife. It is further submitted that
petitioner from his earlier wife has two children and from the
O.P. No. 2 has a child who is presently staying with the O.P. No.
2. It is next submitted that no useful purpose would be served by



sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 6,000/- (Rupees Six Thousand) to the O.P. No. 2. It is further submitted that a court of competent jurisdiction has directed the petitioner to pay a maintenance amount of Rs. 5,000/- which is under challenge. It is next submitted that the monthly maintenance shall commence from 01.05.2024.

4. Learned counsel for the O.P. No. 2 also submits that no useful purpose would be served by sending the petitioner to jail as the petitioner is willing to pay monthly maintenance to the O.P. No.2. It is further submitted that he will whatsapp the Bank Account No. of the O.P. No. 2 on the whatsapp No. of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes and communicate to the petitioner, so that the monthly maintenance as agreed commences from 01.05.2024

5. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond 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 Mojahidpur P.S. Case No. 108 of 2019 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 of the petitioner in the event the petitioner does not pay the maintenance amount as agreed for two consecutive months.

7. It is made clear that the present maintenance order will stop the moment the maintenance is decided by a court of competent jurisdiction.

(Satyavrat Verma, J)

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