

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80008 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- COMPLAINT CASE District- Jamui

Zahid Ansari S/o Md. Nizam Ansari, resident of Village- Baliadi P.S.- Jhajha,
Dist.- Jamui.

... .. Petitioner

Versus

1. The State of Bihar
2. Afsana Khatoon D/o Atauddin Ansari R/V Harna, P.O. and P.S.- Jhajha,
Dist.- Jamui

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP
For the O.P. No.	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel appearing on behalf of

the petitioner and learned A.P.P. for the State duly

assisted by learned counsel for the complainant/O.P.

No.2.

2. The accused/petitioner is named in the

complaint and apprehending his arrest in connection with

Complaint Case No.146-C of 2022 in which cognizance

has been taken for the offences punishable under

Section 498-A of the Indian Penal Code and Sections 3

and 4 of the Dowry Prohibition Act.



3. The allegation against the petitioner is to commit cruelty against O.P. No. 2/wife and demanded dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife and three children with full honour and dignity. Learned counsel submits that petitioner has been falsely implicated with present case, allegation regarding dowry demand and cruelty appears general and omnibus and, moreover, as a good gesture he is ready to pay Rs. 4,000/- as an *ad-interim* maintenance amount to O.P. No. 2/wife and three children without fail before 7th day of every english calendar month, till disposal of the present case before learned Trial Court.

5. Learned A.P.P. for the State duly assisted by learned counsel for the complainant opposing the prayer for anticipatory bail of the petitioner submitted that the submission of *talaq* is apparently non-convincing as it



was made after making legislation 'Triple Talaq' as illegal and an offence.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay *ad-interim* maintenance amount of Rs. 4,000/- to O.P. No. 2/wife and three children, accordingly, the petitioner, above named, in the event of his arrest or surrender before the court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jamui in connection with Complaint Case No.146-C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and with further conditions :-

(i) Petitioner shall pay Rs. 4,000/- as an *ad-interim* maintenance amount to O.P. No. 2/wife and three children on or before 7th day of English calendar month. Payment for the month of



March be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of **April** onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his expenditure, if any.

(ii) If petitioner fails to pay *ad-interim* maintenance for two consecutive months, the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2/wife.

(iii) Aforesaid conditions shall remain operational till finding of Family Court. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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