

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80733 of 2023

Arising Out of PS. Case No.-2664 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Aashif Son Of Late Md. Samad @ Md. Samid R/O Bailey Road,
Khajpura Infront Of Pillar No. 28, Near Southern Gali Of Imam Bada, P.S.-
Hawai Adda, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Aasma Praveen D/O Uttekhar, W/O Md. Aashit R/O Bailey Road, Khajpura,
In Front Of Pillar No. 28, Southern Gali Of Imam Bada, P.S.- Hawai Addar,
Dist.- Patna, A/P Naya Tola, Phulwari Sharif, P.S.- Phulwari Sharif, Dist.-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A,
323, 354, 308, 504, 506 and 307 of the Indian Penal Code and
Sections 3 and 4 of D.P. Act.

3. Learned counsel for the petitioner submits that
notices were issued on OP No. 2 by an order dated 24-01-2024.
and from perusal of the office report dated 5-3-2024, it would
manifest that the OP No. 2 personally received the registered
cover notice.



4. In view of the office report dated 5-3-2024, the notice is deemed to have been validly served.

5. Learned counsel next submits that from perusal of the record, it manifests that the OP No. 2 received the notice on 9-2-2024, but then chooses not to appear and contest the case. It is next submitted that petitioner, being husband, has been falsely implicated in the present case with general and omnibus allegations. It is also submitted that petitioner is always willing to keep the OP No. 2 with honor and dignity, but then the OP No. 2, for reasons best known, chooses not to appear, which amply demonstrates that she is not interested in reviving her conjugal relationship. It is also submitted that petitioner works in a hardware shop.

6. The learned APP, Mr. Chandra Bhushan Prasad submits that no doubt the OP No. 2, after receiving notice on 9-2-2024, chooses not to appear and contest but then it may be a possibility that her financial condition is such that she may not be in a position to engage a learned lawyer for contesting the case before this court, on which the learned counsel appearing on behalf of the petitioner submits that he has instructions to make submission that petitioner is willing to pay a monthly maintenance of Rs. 3,000/- to the OP No. 2, which shall



commence from 1-4-2024. It is also submitted that the petitioner is willing to pay the monthly maintenance only to establish his bonafide that he intends to revive his conjugal relationship.

7. 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 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 Complaint Case No. 2664C of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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