

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4900 of 2024

Arising Out of PS. Case No.-1002 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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MD. KHURSHID ALAM S/O MD. FAHIM SAH RESIDENT OF
VILLAGE- ADHA, P.S.- CHANDRADEEP, DISTRICT- JAMUI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NARGISH KHATOON @ NARGISH PARVEEN D/O AKHTAR
HUSSAIN RESIDENT OF VILLAGE- RAISH, P.S.- PAKRIBRAWAN,
DISTRICT- NAWADA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-08-2024 Heard learned counsel for the petitioner, learned APP

for the State as also learned counsel appearing on behalf of the

opposite party no. 2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1002/2023 registered under Sections
323, 379, 406 and 498(A) of the Indian Penal Code as also
Section 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the
petitioner being a husband has falsely been implicated in the
instant case by the complainant. It is also submitted that
relationship in between the petitioner and the opposite party no.
2 has soured to an extent where it is not possible to revive the



conjugal relationship for the present but then with the passage of time and on intervention of the well wisher, the party may reconcile themselves. It is also submitted that the petitioner being a husband is aware of his responsibility towards the opposite party no. 2 and the child. It is next submitted, based on instruction, that the petitioner is willing to pay a monthly maintenance of Rs. 6000/- to the opposite party no. 2 which shall commence from 02.09.2024.

4. Learned counsel appearing on behalf of the opposite party no. 2 fairly submits that no useful purpose would be served by sending the petitioner to jail as he is willing to pay a monthly maintenance of Rs. 6,000/-. It is further submitted that bank account number of the opposite party no. 2 shall be Whatsapped on the Whatsapp number of learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the petitioner so that monthly maintenance, as agreed, commences from 02.09.2024.

5. Considering the submissions put forward by the parties, let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nawada in connection with Complaint Case No. 1002/2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

6. However, the opposite party 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 in the event if the maintenance is decided by a Court of competent jurisdiction.

(Satyavrat Verma, J)

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