

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8880 of 2025

Arising Out of PS. Case No.-1150 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Salam Son of Late Md. Israil Resident of Village - Mousaha Shrirampur,
P.S. - Kathaiya, District - Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muskan Khatoon Wie of Md. Salam, Daughter of Phool Mohammad Resident of Village - Mousaha Shrirampur, P.S. - Kathaiya, District - Muzaffarpur, presently residing at Mohalla - Main Mehsi, P.S. - Mehsi, District - East Champaran (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 02-07-2025 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State. No one appears on behalf of the O.P.

No.2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 498A and 504/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the complainant being the husband. It is next submitted that the case was taken up on 07.03.2025 and notices were issued on O.P. No.2. It is further submitted that from perusal of the office report dated 30.04.2025, it manifests that O.P. No.2 was not present in the



house, hence the notice was hung on the door. It is next submitted that the case thereafter was taken up on 21.05.2025 and a learned co-ordinate Bench held the notice to be validly served on the O.P. No.2, It is thus submitted that O.P. No.2 despite receiving notice chooses not to appear to contest the case, on which, the learned APP submits that petitioner at para-15 of the anticipatory bail application has pleaded that he is a daily wage labour and as such it appears that O.P. No.2 in absence of any financial support despite receiving notice could not appear.

4. On query of the court that as to whether any child was born out of the wedlock or not, on which learned counsel appearing on behalf of the petitioner submits that out of the wedlock a child was born who presently is staying with the complainant.

5. The learned counsel for the petitioner next submits that petitioner is still willing to keep the O.P. No.2 and the child with honour and dignity and no useful purpose would be served by sending him to jail as petitioner is willing to pay a monthly maintenance of Rs.3000/- to the O.P. No.2, which shall commenced from 21.07.2025. It is also submitted that may be with intervention of well wishers, the parties may resolve the



dispute.

6. The learned APP also does not oppose the anticipatory bail application in the nature of submission made by the learned counsel appearing on behalf of the petitioner based on instruction.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (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.1150C/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the O.P 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.

(Satyavrat Verma, J)

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