

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13898 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Md. Neyaz @ Md. Niyaz @ Mohammad Niyaz Son of Md. Qasim R/o
Village- Umaidpur PS -Tajpur District -Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Jahan Parween wife of Md. Neyaz @ Md. Niyaz @ Mohammad Niyaz
village- Morwa Bazar, ps- Tajpur, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-05-2025 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 341, 323,
504, 506 and 498A of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and being the
husband has been falsely implicated in the instant case by the
complainant. It is further submitted that the case was taken up
on 28.03.2025 when notices were issued on opposite party no.
2/complainant but then opposite party no. 2 despite receiving
the notice chooses not to appear and contest. It is next submitted
that from perusal of the office report dated 08.05.2025, it would



manifest that the opposite party no. 2 received the notice personally.

4. Learned counsel for the petitioner submits that petitioner is a labourer and the complainant does not intend to stay with him for reasons best known to her. It is further submitted that out of the wedlock, a child was born who presently is staying with the complainant and petitioner is not allowed to meet the child. It is next submitted that petitioner being the husband is aware of his responsibility as such is willing to pay a monthly maintenance of Rs.3,000/- which shall commence from 01.06.2025.

5. Learned A.P.P. for the State though opposes the prayer for anticipatory bail of the petitioner but then fairly submits that no useful purpose would be served by sending the petitioner to jail when petitioner is willing to pay a monthly maintenance of Rs.3,000/-.

6. At this stage, learned counsel appearing on behalf of the petitioner submits that the amount will either be credited in the account of the complainant or shall be sent to her through money order.

7. Considering the submissions made by the learned counsel for the petitioner, let 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No. 188 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the complainant/opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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