

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46644 of 2024

Arising Out of PS. Case No.-185 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Ekram Hussain @ Akram Hussain son of Sabir Hussain R/O Village- Dumra
Devraj PS - Lauriya Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajda Yasmin wife of Ekram Hussain @ Akram Hussain, D/o Md. Sanaullah
R/O Village - Dumra Devraj PS - Lauriya Dist. - West Champaran /P/A- Vill
Po- Bagahi Devraj PS - Lauriya Dist - W.Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-04-2025 1. Heard learned counsel for the petitioner, Mr.
Rabindra Kumar, learned A.P.P. for the State and learned counsel
appearing on behalf of the opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 498(A) of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
instant case by the opposite party no. 2. It is further submitted that
from perusal of the allegation as alleged in the complaint, it would
manifest that no specific allegation is alleged against the
petitioner. It is next submitted that the sister of the petitioner was
married to the brother of the opposite party no. 2. It is also



submitted that marriage of the petitioner with the opposite party no. 2 was a “Golai” marriage i.e. brother of the opposite party no. 2 was married to the sister of the petitioner. It is further submitted that the dispute has arisen in between the brother of the opposite party no. 2 and sister of the petitioner for which sister of the petitioner has also filed a criminal case in which the Hon’ble Supreme Court has been pleased to grant the privilege of anticipatory bail to the brother of the opposite party no. 2. It is next submitted that petitioner being the husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs.5,000/- (rupees five thousand) to the opposite party no. 2 which shall commence from 01.05.2025.

4. Learned counsel appearing on behalf of the opposite party no. 2 based on instruction submits that since petitioner is willing to pay a monthly maintenance of Rs.5,000/- (rupees five thousand), as such, no useful purpose would be served by sending the petitioner to jail. It is further submitted that may be with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is further submitted that the bank account of the opposite party no. 2 shall be sent on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so



that the monthly maintenance as agreed commences from 01.05.2025.

5. Considering the submissions made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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. 185C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. However, it is made clear that the 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.

7. It is further made clear that if a Court of competent jurisdiction decide the maintenance in that event, the present maintenance shall stop.

(Satyavrat Verma, J)

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