

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48644 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- BAIRGACHHAI District- Araria

Abdul Matin @ Md. Matin S/O Md. Israil Resident of Village- Bouchi, Ward number- 05, P.S- Baigachhi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bebinaz W/O Abdul Matin @ Md. Matin, D/O Md. Sharif R/O Village- Dak Hariyabara, Ward No. 11, P.S- Araria R.S, Dist.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gopal Kumar Jha, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-11-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 85, 126(2), 115(2), 352 and 351(2) of B.N.S., 2023 and Sections 3/4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that from perusal of the office report dated 02.11.2025, it would manifest that O.P. No.2 personally received the ordinary notice but then chooses not to appear and contest. It is next submitted that petitioner being husband has been falsely implicated in the instant case by the informant. It is also submitted that



relationship in between petitioner and the O.P. No.2 has deteriorated to an extent where it is not possible to revive the conjugal relationship in the present but then with passage of time and on intervention of well wishers, the parties may compromise, as such, no useful purpose would be served by sending the petitioner to jail when O.P. No.2 has not appeared to contest.

4. The learned APP opposes the anticipatory bail application and submits that no doubt O.P. No.2 after receiving notice has not appeared but then it might be a possibility that in absence of financial support, she may not be in a position to engage a learned lawyer on which the learned counsel appearing on behalf of the petitioner submits that he has instruction to make submission that petitioner being husband is aware of his responsibility towards the O.P. No.2 and thus is willing to pay a monthly maintenance of Rs.4000/- per month which shall commence from 01.12.2025 on which the learned APP submits that since petitioner is willing to pay a monthly maintenance, as such, no useful purpose would be served by sending the petitioner to jail rather chances of future reconciliation will also get marred.

5. Considering the submissions made by learned



counsel for the parties, let 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 bond of Rs.10,000/- (Rupees Ten 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 Bairgachhi P.S. Case No.07 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. However, it is made clear that the O.P. No.2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner in the event the petitioner does not credit the amount of maintenance as agreed for two consecutive months. It is also made clear that if a court of competent jurisdiction fixes the maintenance, in that event, the present maintenance shall stop.

7. The learned Trial Court is directed to hand over a copy of the order to the learned counsel appearing on behalf of O.P. No.2.

(Satyavrat Verma, J)

Sanjay/-

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