

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53840 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA P.S District- West Champaran

Javed Akhtar son of Muslim Miyan Resident of Vill - Parsauna Raibarwa,
P.S.- Sathi, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rukhatari Khatoon D/o- Nazare Alam Village- Dhobni Ramupur Ps-Sathi
Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 19-02-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Bettiah Mahila P.S. Case No. 11 of 2024 dated 04.03.2024 registered for the offence punishable under Sections 498A / 313 / 420 / 323 / 34 of the I.P.C. and Section 3/4 of the D.P. Act.

3. As per first information report the petitioner on the pretext that he was unmarried, solemnized marriage with the informant on 01.11.2023. Thereafter, she was brought to Patna and an affidavit of marriage was prepared. On 04.01.2024 the co-accused persons namely, Arif Miyan, Salman Ali and Ashiq Miyan brought another lady claiming to be the first wife of the petitioner. On 12.02.2024 due to assault made to the informant



by the husband, mother-in-law and first wife; 3½ months pregnancy of the informant was terminated. Subsequently, on 16.02.2024 she was ousted from her matrimonial home.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case due to some dispute between the husband and wife. He submits that the informant and her brother had taken Rs. 2 lakh from the petitioner for sending him to Gulf country for employment but the petitioner was not sent to Gulf country and he demanded his money back as a result of which this false case has been lodged against him as stated in paragraph no. 8 of the bail application. He further submits that the petitioner is an unemployed poor youth and he is dependent upon his family for his livelihood. The petitioner neither demanded a single farthing from the informant or her parents nor tortured or assaulted the informant. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 3,000/- per month to the Opposite Party No. 2 as “living cost” subject to final outcome of the present case as well as matrimonial case and / or maintenance case filed and decided between the parties.

5. Learned counsel for the informant / Opposite Party No. 2



accepts the offer so made by learned counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,000/- per month in the bank account of the informant / Opposite Party No. 2, details of which shall be furnished by learned counsel for the Opposite Party No. 2 to learned counsel for the petitioner within ten days from today.

6. After having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned counsel for the petitioner has been accepted by learned counsel for the Opposite Party No. 2, as such, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his arrest / surrender before the learned court below within a period of six weeks from today be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran / successor court in connection with Bettiah Mahila P.S. Case No. 11 / 2024 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following condition:-

(i) that the petitioner shall deposit a sum of



Rs. 3,000/- per month in the bank account of the
Opposite Party No. 2 positively by the 7th day of
every month starting from the month of March,
2025.

(Anil Kumar Sinha, J)

praful/-

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