

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68295 of 2024

Arising Out of PS. Case No.-711 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

Arju Khan Son of Rabbani Khan Resident of Village - Shahari, P.S. - Karakat,
District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malaka Khatun @ Tarnnum Khatun Wife of Araju Khan, Daughter of Late Abdul Latif At present resides at Village and Post - Kowath, P.S. - Dawath, District - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arabind Nath Pandey, Adv Mr. Varun Kumar, Adv
For the Opposite Party/s :		Ms.Gulnar Begum, Adv Mr. Rajani Kant Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 09-04-2025 **1.** Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for OP No. 2.
- 2.** The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.
- 3.** The learned counsel for the parties jointly submitted that the case was referred for mediation, but then the mediation failed.
- 4.** The learned counsel appearing on behalf of the petitioner submits that petitioner still is willing to restitute his conjugal rights, but then OP No. 2 is not interested in restituting her conjugal rights with the petitioner at Hyderabad. It is next



submitted that the OP No. 2 is more interested in staying in the house of his sister than the petitioner. It is also submitted that no doubt, the mediation has failed but then with intervention of well-wishers in future, the parties may resolve their dispute amicably, as such no useful purpose would be served by sending the petitioner to jail. It is fairly submitted that petitioner, being husband, is aware of his responsibility and is willing to pay a monthly maintenance of Rs. 4,000/- (Four Thousand), which shall commence from 21-4-2025.

5. The learned counsel appearing on behalf of OP No. 2, based on instructions, submits that since petitioner is willing to pay a monthly maintenance of Rs. 4,000/- to the OP No. 2, as such no useful purpose would be served by sending him to jail. It is next submitted by the learned counsel appearing on behalf of the OP No. 2 that the learned counsel for the petitioner has rightly submitted that may be in future on intervention of well-wishers, the parties may resolve their dispute amicably.

6. The learned counsel for the OP No. 2 further submits that he will WhatsApp the bank account number of the OP No. 2 on the WhatsApp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the petitioner so that the monthly maintenance as agreed commences from 21-4-2025.



7. Considering the submission made by the learned counsel for the parties, the 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 bonds of Rs. 5,000/- (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. 711(C) of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

9. It is further made clear that the present maintenance shall stop, if a court of competent jurisdiction fixes the maintenance.

(Satyavrat Verma, J)

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