

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12627 of 2026

Arising Out of PS. Case No.-1107 Year-2018 Thana- COMPLAINT CASE District- Araria

Kaisar Alam @ Kesar Alam son of Minhaj R/o village - Gaiyari, Ward no 05,
P.S. -Araria District -Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatun Daughter of Enulhak Resident of village- Madarganj,
simraha, Ps- simraha, Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Jha
For the Opposite Party/s	:	Mr.Md. Iftekhar Mahmood
		Mr.Rohit Kumar
		Mr.Kumar Ravish

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-04-2026 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the opposite party no.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 498(A) of the Indian Penal Code and Section 4 of the
D.P. Act, while the case was filed under Sections 498(A), 420,
120(B) and 506 of the I.P.C. and Sections 3/4 of the D.P. Act.

3. The learned counsel for the petitioner submits that
the petitioner being husband has been falsely implicated in the
instant case by the opposite party no.2. It is further submitted
that presently the relationship has soured to an extent where it is



not possible to revive conjugal relationship, but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably.

4. The learned counsel for the petitioner submits that opposite party no.2 had filed an application seeking maintenance in the Court of the learned Family Court, Araria and the learned Family Court had directed the petitioner to pay a monthly maintenance of Rs.5,000/- with effect from 11.03.2024. It is submitted that since petitioner was facing finance crunch as such the amount could not be paid, hence the arrear mounted to Rs.1,20,000/-. It is next submitted that petitioner has paid an amount of Rs.20,000/- towards arrear to the opposite party no.2 and has also paid an amount of Rs.5,000/- by way of monthly maintenance commencing from April,2026. It is next submitted that petitioner will clear the arrear maintenance of Rs.1,00,000/- by 15th of October, 2026, but then, petitioner will keep paying Rs.5,000/- by way of monthly maintenance.

5. The learned counsel appearing on behalf of the opposite party no.2 also submits that no useful purpose would be served by sending the petitioner to jail when petitioner has paid an amount of Rs.20,000/- towards arrear maintenance and Rs.5,000/- towards current maintenance. It is also submitted that



since petitioner has agreed to clear the arrear maintenance by 15th October, 2026, as such, the opposite party no.2 is not opposing the anticipatory bail application.

6. After hearing 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 six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum 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.1107C of 2018, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. It is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months and also if the petitioner does not clear the arrear maintenance by 15th of October, 2026.

(Satyavrat Verma, J)

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