

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37715 of 2014

Arising Out of PS.Case No. -245 Year- 2012 Thana -SHERGHATI District- GAYA

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Md. Khurshid Alam son of Md. Heyat Resident of village Uprara, Police
Station Uprara, District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Kumar Singh

For the Opposite Party : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

4 16-07-2015

Heard both sides.

The petitioner being husband of the informant is facing prosecution under Section 498A/34 of the IPC in respect of a marriage which is said to have been solemnized in 2004.

Mr. Singh learned counsel for the petitioner, on instruction, states that for securing the privilege of anticipatory bail the petitioner may be directed to deposit 1500/- as interim maintenance to the informant/wife subject to any order which the Court may pass in the appropriate proceeding.

Taking into account the facts of the case and the stand of the petitioner, I direct the petitioner to pay interim maintenance in the sum of Rs. 1500/- per month to the informant either by deposit in the Nazarat and producing the receipt thereof which the informant/wife will be entitled to withdraw or by crediting the amount in the Bank account of the informant/wife every month subject to any order that Court may pass in the proceeding arising out of the marriage.

With the aforesaid conditions, this Court directs the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Sherghati P.S. case no. 245 of 2012, Gaya, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) Along with the bail bonds, the petitioner shall produce receipt showing deposit or payment of the sum of Rs. 1500/- in favour of the informant/wife for the month of July, 2015. The petitioner shall thereafter continue to pay the interim maintenance amount aforesaid in each succeeding months. In case the petitioner defaults in payment/ deposit of the interim amount, as directed hereinabove, it will be open to the informant/wife to seek cancellation of his bail in the Court below itself.

Shyam/-

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(Kishore Kumar Mandal, J)