

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48622 of 2014

Arising Out of PS.Case No. -78 Year- 2014 Thana -BIHRA District- SAHARSA

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Md. Mustkim S/o - Md. Karim Resident of village - Basiyaghat Bihra
Police Station - Bihra, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar ,
2. Jainab Khatun wife of Md. Mustkim, D/o late Md. Bhabhi Mian,
resident of villalge Loukihi, P.S. Bihra, District Saharsa,

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the State : None

For the Informant:: Mr. Diwakar Prasad Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioner and the

informant. However, none appears for the State.

Petitioner seeks bail in a case registered for offences
punishable under Sections 341, 323, 498A, 494 and 34 of the
Indian Penal Code.

It is submitted on behalf of the petitioner that he is ready
to lead a conjugal live with the opposite party no. 2, however, the
informant is not interested in view of the fact that she was
allegedly tortured in the house. Learned counsel further submits
the petitioner as well as opposite party no. 2 both are Majdoors on
daily wages basis, however, the petitioner has filed a
supplementary affidavit stating that he is ready to pay Rs. 500/-

(Rupees Five Hundred) per month to opposite party no. 2 for her maintenance. The petitioner is stated to be in custody since 28.08.2014.

Having regard to the facts and circumstances of the case, the petitioner, namely, Md. Mustkim, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in Bihra P.S. Case No. 78 of 2014 subject to the condition that the petitioner will deposit Rs. 500/- per month in the first week commencing from April, 2015. So far the payment for the month of March 2015 is concerned, the petitioner is permitted to deposit the aforesaid amount at the time of furnishing of the bail bond.

However, it is made clear that if the petitioner fails to make payment of the aforesaid meagre amount of maintenance for two consecutive months without any valid reason to the satisfaction of the court concerned then the court below would be at liberty to take steps for cancellation of his bail bonds. It is further made clear that this amount of maintenance has been fixed on the undertaking of the petitioner, however, if the opposite party no. 2 makes a prayer for grant of maintenance in a separate appropriate proceeding then the court concerned would be at

liberty to decide the same on its own merit and in accordance with law without being prejudiced by this order and the aforesaid amount of maintenance would be continued to be paid to opposite party no. 2 till such case is filed by her and a decision is taken by the court concerned.

(Dr. Ravi Ranjan, J)

SC/-

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