

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3543 of 2017

Arising Out of PS.Case No. -1283 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

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1. Md. Ayub Alam, son of Md. Jahur, resident of village-Dhakjari, P.S.-
Sonbarsa Kachahari, district- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shahnaj Khatoon, wife of Md. Ayub Alam, daughter of Md.
Kashim, resident of village- Tola Islampur, P.O. Khokhsi Bara, P.S.
Gualpara, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 20-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1283 of 2013 instituted for the offence under Section(s)
498-A Indian Penal Code and Section 4 of the Dowry Prohibition
Act.

Petitioner is husband of the complainant. Notice
was issued to the Opposite Party No.2, which has validly been
served, but none appears on her behalf.

Counsel for the petitioner submits that the wife in
Maintenance Case in the lower court has stated that she does not
want to live with the petitioner and maintenance has been granted



by the Principal Judge, Family Court, Madhepura, and the petitioner was directed to pay a sum of rupees two thousand per month to the complainant by order dated 25.01.2017 passed in Maintenance Case No.137 of 2013. Counsel for the petitioner further submits that he is ready to make payment of the aforesaid amount to the complainant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.1283 of 2013, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) that the petitioner will file an undertaking in the Court below that he will make payment of maintenance amount as ordered by the Principal Judge, Family Court, Madhepura, in Maintenance Case No.137 of 2013, by 15th of every month, (2) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (3) petitioner shall cooperate in the trial and shall be present on each and every date



fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (4) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that in the event the petitioner defaults in making payment of maintenance amount to the complainant as ordered by the Principal Judge, Family Court, Madhepura, in Maintenance Case No.137 of 2013, bail bond of the petitioner will be cancelled by the court below.

(Sanjay Priya, J)

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