

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18684 of 2017

Arising Out of PS.Case No. -1503 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Gayas, Son of Late Md. Qurban, Resident of Mohalla- Kabirpur Jain
Mandir Road, Nathnagar, Police Station- Lalmatiya Nathnagar, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shama @ Chandni daughter of Late Md. Ghani, wife of Md. Gayas,
Resident of Mohalla- Hussainabad, Police Station- Mojahidpur, District-
Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 376 of the
Indian Penal Code.

Allegation against the petitioner is that the petitioner
was in physical relation with the complainant on inducement of
marriage. Subsequently, when the complainant was pregnant, the
petitioner refused marriage due to non-fulfillment of demand for
dowry.

The petitioner is ready for marriage with the



complainant. However, complainant is not willing to marry with the petitioner in the changed circumstances, though prayer is for grant of maintenance. The petitioner is ready to pay Rs.2,500/- (rupees two thousand and five hundred) for maintenance of the complainant and her child according to his capacity as he claims to be daily wage earner. The aforesaid amount shall be paid by the petitioner regularly till some competent court decides other amount of maintenance.

With the aforesaid observation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur/successor Court in connection with Complaint Case No. 1503 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner. In the event of failure of the petitioner to deposit the maintenance amount in



the bank account of the complainant for two consecutive months,
the same would be a ground to cancel the bail bond of the
petitioner by the learned court below itself.

(Birendra Kumar, J)

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