

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54810 of 2017

Arising Out of PS.Case No. -3106 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Khadim Hussain, Son of Hasan Imam, Resident of Village- Badaka Gaon,
P.S.- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rukhsar Khatoon, Wife of Khadim Hussain, Resident of Village-
Badaka Gaon, P.S.- Mirganj, District- Gopalganj. at present Pedari
Mauza Tamkuhi Raj, P.S.- Tariya Sujan, District- Kushinagar (U.P.)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 05-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 3106 of 2015 (Trial No. 3228 of 2017)** instituted for the offence under Sections 498A, 406 of the Indian Penal Code and Sections 3 of Dowry Prohibition Act.

A supplementary affidavit has been filed today on behalf of the learned counsel for the petitioner wherein it has been stated that the Principal Judge, Family Court, Gopalganj, has passed an ex-parte order on 29.8.2017 by which the petitioner has been directed to pay maintenance of Rs.2,000/- per month to the complainant from the date of the order.

Learned counsel for the petitioner has submitted that he is



ready to make payment of aforesaid amount to the complainant in terms of order of Principal Judge, Family Court, Gopalganj.

In such circumstances, this application is disposed off with a direction to the court below i.e. learned Sub Divisional Judicial Magistrate, Gopalganj, that in the event, the petitioner surrenders in the court below within a period of eight weeks from the date of receipt/production of a copy of this order along with valid receipt showing payment of maintenance amount of Rs.2,000/- for the month of December, 2017 and the amount of arrears of maintenance, in terms of order passed by learned Principal Judge, Family Court, the court below will release the petitioner on anticipatory bail to its own satisfaction, in connection with **Complaint Case No. 3106 of 2015 (Trial No. 3228 of 2017)**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) 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 (3) 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.

The petitioner will continue to make payment of monthly maintenance amount to the complainant in terms of the order of the



learned court below passed in Maintenance Case No. 63 of 2016, till the order passed by learned Principal Judge, Family Court is revised.

It is made clear that in the event the petitioner does not surrender along with the valid receipt showing the payment of amount to complainant as ordered above or makes default in making payment of single installment of maintenance amount as per order of the learned Principal Judge, Family Court, the bail bond of the petitioner will be cancelled on the petition filed by the informant. The complainant is directed to furnish her Bank account number, to the petitioner, so that the petitioner may directly deposit the amount of maintenance in the account of complainant every month.

The application is disposed off with aforesaid direction.

S.Ali/-

(Sanjay Priya, J)

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