

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38870 of 2017

Arising Out of PS.Case No. -122 Year- 2011 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

=====

1. Md. Jarifur Rahman @ Jarifur Rahman Son of Late Abdul Quam,
Resident of Village- Beghaili, P.S.- Jadiya, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjum Ara wife of Jarifur Rahman, Daughter of Md. Yusuf, presently
residing at Village- Raibhir, Tola- Najirabad, P.S. Shankarpur, District-
Madhepura.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava
For the Opposite Party/s : Mr. Sri Amitesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2017 The petitioner seeks regular bail in connection with

Complaint Case No. 122 of 2011, registered for offences

punishable under Sections 498A of Dowry Prohibition Act and

Section 323 of the Indian Penal Code.

It has been submitted by learned counsel for the
petitioner that during the pendency of anticipatory bail of the
petitioner, he was granted provisional bail by a coordinate Bench
of this Court but he did not comply the aforesaid direction on the
ground that he has already divorced the complainant / opposite
party no. 2 and that has been uphold by Imarat –e –sharia and,
thereafter, the provisional bail was cancelled vide order dated



10.05.2017 passed in Criminal Misc. No. 19625 of 2017 and was directed to surrender within a period of six weeks and now he has been in judicial custody for last three months. It has also been submitted that though he could not keep the complainant/opposite party no. 2 with himself but he is ready to pay the maintenance amount to her and her two children.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for bail. Learned counsel for the complainant has submitted that the petitioner may be directed to pay a reasonable maintenance to the complainant and her two children, however, he fairly submitted that he has no instruction with regard to maintenance.

In view of the submissions of the parties, this application is disposed of with direction to court below that if any such application is filed by the petitioner that he is ready to pay the maintenance to complainant/opposite party no. 2, the court below shall issue notice to complainant /opposite party no. 2 and after successful mediation between the parties, the court below shall fix a reasonable amount as maintenance to complainant and her two children and, thereafter, he shall release the petitioner on provisional bail till conclusion of trial and shall verify the fact with regard to payment of maintenance by the petitioner to



complainant/opposite party no. 2 and if it is found that the maintenance amount as agreed upon by the petitioner is not being paid, he will straightaway cancel the bail bonds of the petitioner.

At the same time, the trial court is directed to expedite the trial and try to conclude it within a reasonable period of time preferably within six months.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

sunil/-

U		T	
---	--	---	--

