

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33823 of 2016

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MD. SARBOOL @ MD. SARUBAL SON OF MD. ISHAQUE RESIDENT
OF VILLAGE- AGACHIYA, P.S. AMOR, DISTRICT-PURNEA

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. BIBI AFSANA WIFE OF MD. SARBOOL @ MD. SARUBAL D/O
QUARBAN RESIDENT OF VILLAGE- DHARIYA, P.S. AMOUR,
DISTRICT-PURNEA

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kr. , Adv.
For the Informant : Mr. Pushpendra Kr. Singh, Adv.
For the State : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4. **19-04-2017** Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor assisted by learned counsel for
the informant.

Instant petition has been filed for modification of order
dated 15.10.2015 passed in Cr. Misc. No.31943/2015.

The dispute happens to be amongst spouse. The court
tried to reconcile the matter amongst the spouse and for that,
petitioner was granted provisional bail vide order dated 14.08.2015 but
could not avail the same for want of bailor. However, considering the
rival submission whereunder wife herself volunteered to become
bailor, the provisional bail so granted was confirmed vide order dated
15.10.2015 identifying the wife to be one of the bailor which the
petitioner duly acknowledged. Subsequently, as appears from the
conduct of the petitioner he had developed some sort of adverse
perception whereupon filed instant petition for modification of the order



on that very score whereupon, was inquired upon is he intend to pay the maintenance to his wife as well as minor daughter who happens to be deserted one. Although, there happens to be some sort of deviation in the supplementary affidavit however at para-5 had shown his inclination to pay maintenance to his wife as well as minor daughter and further under para-6 has incorporated that he happens to be a labour.

Even considering the submission of the petitioner, there happens to be job security under MANREGA Scheme and in the aforesaid background on payment of rupees three thousand per month as maintenance amount which will be for the present purpose only, keeping the matter finally adjudicated upon in case is brought up at the end of wife as well as daughter of the petitioner in due process of law and further, with a condition that default of any installment will automatically liable cancellation of bail, and further payment should be made in first week of each month the order dated 15.10.2015 passed in Cr. Misc. No.31943/2015 is allowed to be modified in following terms.

Petitioner Md. Sarbool @ Md. Sarubal Is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned First Addl. Sessions Judge, Purnea in connection with Sessions Trial No.1225/2014 arising out of Amour P.S. Case No.281/2014 with a further condition that learned lower court will satisfy itself himself regarding soundness of the bailor so that appearance of the petitioner should be during trial.



With the aforesaid modification Cr. Misc. No.33823/2016
is disposed of.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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