

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26985 of 2017

Arising Out of PS.Case No. -25 Year- 2012 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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Meraj Ansari, Son of Nijamuddin Ansari, Resident of Sirisiya Belwa, P.S.-
Sathi, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-06-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The instant petition has been filed for grant of regular
bail in connection with Sikta P.S. Case No. 25 of 2012, registered
for the offence punishable under Sections 498 (A),323,494/34 of
Indian Penal Code and 3, 4 D.P. Act.

The allegation against the petitioner is with regard to
the petitioner demanding dowry from the daughter of the
informant, on account of non-fulfillment of dowry demand the
accused petitioner subjected cruelty upon her and even ousted her
from his house.

It appears from the record that this court by an order



dated 20.08.2014 passed in Cr. Misc. Case No. 37549/2013, had directed the petitioner to be released on provisional bail, subject to various conditions and with a further condition that in case of any complaint of misbehaving, ill-treatment by the petitioner or his family member, by the petitioner's wife, the bail bond would stand cancelled and he would be immediately taken into custody.

It appears from order dated 09.05.2017 passed by the learned Trial Court that the wife had filed a complaint against the petitioner on 08.12.2014 inter alia stating therein that the petitioner is not keeping her in a good manner. Thus the wife had prayed for cancellation of the bail bond of the petitioner. The bail bond of the petitioner was subsequently cancelled by an order dated 08.05.2016.

The petitioner had then surrendered on 17.03.2017.

The learned counsel for the petitioner states that the petitioner tried to amicably keep his wife with him, but the wife did not want to stay with him. It is further submission of the petitioner that behind his back, while the petitioner was trying to keep her and maintain peace, the wife instituted maintenance case and the learned Trial Court by an order dated 05.09.2016, passed in maintenance case no. 326 of 2013 has been pleased to direct the petitioner to pay a sum of Rs. 1,000/- per month to his wife with



effect from 18.12.2013.

The learned counsel for the petitioner states that he is ready and willing to pay the maintenance amount with arrears as awarded by the trial Court. It is further undertaken to pay the maintenance amount on or before 15th of every month till conclusion of the case.

Having regard to the submission made by the learned counsel for the petitioner, I deem it fit and proper that the petitioner should deposit the arrears of maintenance amounts before the learned court of Principal Judge, Betiah, West Champaran within four weeks which shall be disbursed to the wife. It is further directed that the receipt of the said deposit of the maintenance amount, made before the learned Trial Court, be submitted with the learned Trial Court in session of the present case within a further period of one week and upon the learned Trial Court being satisfied about the deposit of the said amount, the learned Trial Court would grant regular bail to the petitioner upon conditions which it deem fit and proper.

It is made clear that in case the petitioner does not comply with the aforesaid order, the instant order granting the privilege of bail to the petitioner would stand cancelled automatically.

(Mohit Kumar Shah, J)

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