

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31508 of 2018**

Arising Out of PS.Case No. -1690 Year- 2009 Thana -SIWAN COMPLAINT CASE District-  
SIWAN

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1. Md. Raju Khan, S/o Late Mahmood Khan, R/o Vill.- Telkathu, P.S.-  
M.H. Nagar, District- Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Shamima Khatoon, W/o Md. Raju Khan, D/o Md. Halim, R/o Vill.-  
Repura, P.S.- Ziradei, District- Siwan.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL ORDER**

02 24-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Complaint Case No. 1690  
of 2009 (Tr. No. 2182 of 2018) registered under Section 120-B,  
323, 406, 498-A of the Indian Penal Code and ¾ of the Dowry  
Prohibition Act.

This is a case of misuse of bail and flouting of the  
order of this court by not making payment of maintenance amount  
of Rs.600/- per month to the informant and not putting his  
appearance before the court on each and every date fixed in the  
case.

It is submitted by learned counsel for the petitioner



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that the petitioner happens to be poor labourer and went abroad to earn his livelihood entrusting his Lawyer to take necessary steps in the case but he failed to take necessary step and due to poverty also he could not pay the aforesaid maintenance amount to the informant in compliance of order of this court. Consequently, his bail bond was cancelled on 19.09.2011. He has been languishing in custody since 31.01.2018. Now, he is ready to pay the entire arrears amounting to Rs.55,200/- in two equal installments and also to continue payment of the maintenance amount regularly to the informant without any fail and will also appear in the court on each and every date fixed in the case.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Siwan in connection with Complaint Case No. 1690 of 2009 (Tr. No. 2182 of 2018), subject to the conditions that the (1) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (2) the petitioner shall pay the aforesaid arrears of maintenance amounts in two equal installments of one month each to the informant (3) the petitioner shall pay the monthly maintenance amount regularly to the informant (4) the petitioner



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shall deposit his passport in the learned court below. In case of default of any of the aforesaid conditions his bail bond shall stand cancelled.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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