

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53449 of 2018

Arising Out of PS. Case No.-565 Year-2017 Thana- GHORASAHAN District- East
Champaran

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Rahul Kumar Mishra, S/o Santosh Mishra, R/o Vill.- Gola Pakariya, P.S.-
Lakhora, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman
For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-10-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Ghorasahan
(Lakhora OP) P.S.Case No. 565 of 2017 registered under
Sections 313, 323, 341, 379 and 498A/34 of the Indian penal
Code and 3 and 4 of the Dowry Prohibition Act.

Petitioner is husband of the informant. In the written
report, it is alleged that petitioner committed physical as well as
mental torture with the informant and also took her all *Stridhan*.
It is further alleged that all family members have ousted her
from *Sasural* while she was carrying pregnancy of six months.

It is submitted that now wife of the petitioner has given
birth to a child.



Learned counsel for the informant submits that petitioner has ousted his wife during pregnancy. She has given birth to a child and for nursing the child, she is required maintenance allowance. The petitioner is not giving single farthing either to wife or to newly born child.

In view of such, petitioner is directed to file an Affidavit in the Court below that he will make payment of Rs. 5,000/- per month for maintenance to the informant and the child till final order is passed by the Principal Judge, Family Court with regard to grant of maintenance and in that event, the petitioner will be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of S.D.J.M., Sikhraha, Dhaka, East Champaran in connection with Ghorasahan (Lakhora OP) P.S.Case No. 565 of 2017; subject to condition that both bailors shall be close relatives of the petitioner.

The petitioner will make payment of Rs. 5,000/- per month from the date of passing of this order till final order is passed by the Principal Judge, Family Court, with regard to grant of maintenance, by 15th of every month by crediting the amount directly in the account of informant. The informant will furnish the account number in the Court below, which will be



informed to the petitioner. In the event, petitioner refuses to make payment every month, as ordered above, the informant will be at liberty to file petition for cancellation of bail bond of petitioner in the Court below itself. The Court below will pass appropriate order on such petition on the same day in accordance with law.

(Sanjay Priya, J)

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