

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65627 of 2018

Arising Out of PS.Case No. -1607 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. RAJID ALAM @ ROJID ALAM, Son of Rajak Moin @ Rajjak Ansari
@ Rajjak Mian, Resident of Village- Gauri Shri Ram Baidawli
Ghoghmalwa Tola, P.S.- Bishunpura and Distt- Gopalganj (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mumtaj Nisha, Wife of Rajid Alam, Resident of Village- Tirbirwa, P.S.-
Gopalganj, P.O.- Bhitbhirwa and Distt- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Complaint Case No.
1607/2011, instituted for the offences under Sections 406, 498A
and 120B of the Indian Penal Code.

Petitioner is husband of informant.

Earlier petitioner was granted anticipatory bail by a
Co-ordinate Bench of this Court in Cr. Misc. No. 16955/2012
dated 08.05.2012. The aforesaid order was cancelled by order
dated 18.07.2018 passed in Cr. Misc. No. 56432/2017. Aforesaid
petition (Cr. Misc. No. 56432/2017) was filed by wife of petitioner



stating therein that no matrimonial relationship could be restored. Thereafter, petitioner surrendered on 09.08.2018 and since then he is in custody.

Learned counsel for the petitioner has submitted that O.P. No. 2 does not want to live with this petitioner. It is submitted in para 13 of bail petition that final order for making payment of maintenance to O.P. No. 2 has been passed by Family Court. The petitioner is making payment of maintenance of Rs. 2,100/- per month in compliance of order of learned Family Court.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released 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 Addl. Chief Judicial Magistrate VIth, Gopalganj in connection with Complaint Case No. 1607/2011, subject to the conditions that:

- (i) petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (ii) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move



for cancellation of bail bond of the petitioner.

(iii) In the event petitioner fail to make payment of amount of maintenance, the informant will be at liberty to file petition for cancellation of bail of petitioner.

(Sanjay Priya, J.)

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