

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6281 of 2019

Arising Out of PS. Case No.-198 Year-2015 Thana- FORBESGANJ District- Araria

MD. FAROOQUE S/o Md. Sainul Resident of Village – Madarganj Police
Station Simraha, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asmina Khatoon w/o Md. Farooque Resident of Village – Madarganj, Police
Station Simraha, District Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-04-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Forbesganj (Simraha) P.
S. Case No.198 of 2015 instituted for the offence under
Section(s) 341, 323, 379, 504 and 498A of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner is the husband of the informant.

Earlier, he was granted provisional bail by this
Hon'ble Court vide order dated 6.3.2017 passed in Cr. Misc.
no. 4568 of 2017 for a period of nine months on the statement



made by the petitioner that after release from custody he will take his wife with him from the Court below itself and both parties will live together. From the aforesaid order, it appears that petitioner has failed to comply the condition of the order passed by this Hon'ble Court in Cr. Misc. no 4568 of 2017. Thereafter, bail bond of the petitioner was cancelled and he is in custody since 11.11.2018. It is mentioned in the impugned order that petitioner has performed second marriage and thereafter he was neglecting his wife and two daughters thereby violating the orders passed by this Hon'ble Court. It is also mentioned in the impugned order that since he has performed second marriage there is rare possibility to resume conjugal relation of husband and wife. The Additional Sessions Judge, Araria has mentioned in the impugned order that petitioner was directed by Principal Judge, Family Court, Araria to make payment of maintenance amount to the applicant (informant) to the tune of Rs. 3000/- and Rs. 1000/- each to both daughters till the date of their marriage and obtaining majority, but till date not a single penny has been paid by the petitioner.

Learned counsel for informant is present. He submits that petitioner is neither maintaining his wife along with his



both daughters nor making payment of maintenance amount as directed by learned Principal Judge, Family Court Araria.

In the facts and circumstances of the case, petitioner is directed to make payment of due amount of maintenance as ordered by learned Principal Judge, Family Court, Araria from the date of passing of order in maintenance case till the time of his filing bail bond and after producing the valid receipt of payment of aforesaid amount, the petitioner will be released on bail by the Court below on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the J.M. 1st Class, Araria, in connection with Forbesganj (Simraha) P.S. case no. 198 of 2015, G.R. No. 1396 of 2015, subject to the condition that both the bailors shall be the close relative of the petitioner.

It is made clear that petitioner will continue to make payment of the maintenance amount to the informant and her two daughters as ordered by Principal Judge, Family Court, Araria by 15th of every month after his release either by demand draft or crediting the amount direct in the account of informant. In the event of default in making payment of maintenance amount for continuous two months, his bail bond will liable to be cancelled.



The Cr. Misc. petition is, accordingly, disposed of.

(Sanjay Priya, J)

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