

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20338 of 2019**

Arising Out of PS. Case No.-860 Year-2017 Thana- COMPLAINT CASE District-  
Kishanganj

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SERAJ ABDUL KARIM, Son of Late Zariful Islam, Resident of Village-  
Janamdol, P.O-Bishanpur, P.S-Harish Chandrapur, District-Malda (West  
Bengal).

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Hina Naaz, W/o Seraj Abdul Karim and D/o Haidar Ali, at present resides at  
Village-Dera Mari Hat, P.O-Patkoi Hat, P.S-Kochadhaman, District-  
Kishanganj.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr.Md. Qumrul Hoda  
For the Opposite Party/s : Ms.Gulnar Begum

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      12-07-2019                      Petitioner seeks bail in anticipation of his arrest in  
  
connection with Complainant Case No. C860 of 2017 instituted  
  
for the offences punishable under Sections 498A, 323, 313, 406  
  
of the Indian Penal Code and Sections 3/4 of Dowry Prohibition  
  
Act.

Allegation against the petitioner is that he demanded  
  
Rs.2 lac and one Maruti Car from the complainant and for non-  
  
fulfilment of demand he subjected the complainant-wife to  
  
torture, physical and mental both, and ousted her from the  
  
house.

Submission of learned counsel for the petitioner is



that he is still ready to keep her and for that he also moved before the Family Court in West Bengal for restitution of conjugal right and he is a teacher.

Heard learned APP and learned counsel for the opposite party No.2, who has opposed the prayer for anticipatory bail on the ground that petitioner assaulted her and aborted her pregnancy and he ousted her from the house and for that she is not ready to reside with the petitioner and he is not paying any maintenance to her.

In view of above facts and circumstances, let petitioner surrender in the court below by 22.7.2019 and on surrender he shall released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in connection with Complaint Case No. C860 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition is that petitioner has to pay Rs.7000/- per month to the opposite party No.2 as maintenance for a period of one year and it is expected that



during that period opposite party No.2 shall move before the competent court for grant of maintenance in which petitioner has to co-operate and he will abide by any order, either interim or final, passed by the Family Court.

**(Vinod Kumar Sinha, J)**

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