

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21292 of 2019

Arising Out of PS. Case No.-315 Year-2018 Thana- GORAUL District- Vaishali

Md. Shamim Son of Md. Shamsul Haque Resident of Village - Akhtiyarpur
Doghara, Post, Bhantipur, P.S.- Baligaon, Distt - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sabana Khatton W/o Mod. Shamim, R/o Vill. Bahadurpur, P.S. Goraul,
District Vailshali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
For the Opposite Party/s	:	Mr. Kaushal Kishore, Advocate Mr.Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-07-2019 This is an application for grant of anticipatory bail in connection with Goraul P.S. Case No. 315 of 2018, disclosing offences under Sections 341, 323, 498A, 504, 506, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting informant-wife with respect to torture and even not paying any maintenance to her.

It further appears that on appearance of the opposite party no.2 the matter was referred to the mediation, but mediation failed, as per the report kept at Flag 'M'.

Submission of learned counsel for the petitioner is that due to the situation prevailing between the parties, it is not



possible to keep her but he is ready to pay maintenance to the opposite party no.2.

On the other hand, the opposite party no.2 has appeared and submitted that in this case a Co-ordinate Bench of this Court, vide order dated 02.05.2019 has ordered for payment of Rs. 2000/- to her before the Member of the Mediation Center but he has not paid anything and she still wants to reside with him.

Considering the submission of the parties, let petitioner, above named, surrender before the learned court below on 08.08.2019 and on that day, he will pay total amount dues till that day, against the opposite party no.2 as per the order of this Court dated 02.05.2019 and with further condition that he has to deposit Rs.3000/- per month in the account of opposite party no.2 supplied by her, till the amount of maintenance is decided by a Family Court either on trialadjudication or by interim order on an application filed by the opposite party no.2 under Section 125 of Cr.P.C., if any, he will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 315 of 2018,



subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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