

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26542 of 2019

Arising Out of PS. Case No.-133 Year-2017 Thana- ARA NAGAR District- Bhojpur

MD. SHAHZAD Son of Md. Moin Resident of Village - Dafali Tola, Milki Mohalla, P.S.- Arrah Town, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sanno Ara D/o Md. Mustafa Hasmi Resident of Village - Dhandhia, P.S.- Koilwar, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 14-08-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Ara Town P.S.Case No.133 of 2017 registered for offences punishable under Sections 498(A), 379, 323, 504 and 34 of the Indian Penal Code.

Prosecution story is that the complainant was subjected to cruelty both physically and mentally with respect to demand of golden chain and motorcycle.

Submission of the learned counsel for the petitioner is that he is still ready to keep her and he has taken plea before the Sessions Judge also but the complainant has not appeared , however, on confrontation by the informant he has admitted



that he has re-married with another lady and further he has filed divorce case against the complaint. It is further submitted that he is still ready to keep the O.Pno.2 (complainant) . He is a salesman in the cloth shop.

Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail on the ground that as he has solemnized second married, it is not possible for her to reside with the petitioner and further plea of the petitioner that he is ready to keep her that is only to deceive the Court as he has already filed divorce application against this complainant. It is further submitted that she has not been paid any maintenance up till now and the petitioner is a shopkeeper..

Having heard both sides and in view of the facts and circumstances, as stated above, it appears that there is no chance of reconciliation between the parties as such this application is disposed of with a direction to the petitioner to surrender by 26.8.2019 and on condition that the petitioner shall pay Rs.4,000/- per month to the Opposite Party no.2 for a period of one year and during that period, it is expected that the Opposite Party No.2 shall file maintenance case before the learned Family Court, Bhojpur at Ara and the petitioner shall be released on bail in connection with Ara town P.S.Case No.133



of 20178 on condition that he has to abide by any order in future passed by the learned Family Court, Bhojpur at Ara unless it is set aside by any higher court. It is also made clear that in the event of failure of the petitioner to pay maintenance amount as decided above regularly for three months, O.P.no.2 is at liberty to move before the learned court below for cancellation of his bail bond.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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