

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34074 of 2019

Arising Out of PS. Case No.-2466 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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MEHADI HUSSAIN @ LALU Son of Late Zainuddin Resident of Village-
Rajasan, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Samina Khatoon W/o Mehadi Hussain, Daughter of Ali Hussain Resident of
Village and P.O.- Mirzanagar, P.S.- Mahua, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In pursuance of order dated 23.05.2019, the petitioner
as well as the Opposite Party No. 2 are present in person.
Though the petitioner has expressed his willingness to stay with
his wife, the Opposite Party No. 2, namely, Samina Khatoon,
who is present here along with her father has categorically
stated that she will not stay with her husband in view of the
earlier torture having been inflicted on her. She thus, submits
that she may not be compelled to proceed to live with her
husband. She further submits that the case under Section 125 of
the Cr.P.C. has been filed by her for payment of maintenance



which she intends to follow up so that she can be comfortable financially.

Learned counsel for the petitioner thus, submits that in view of the stand taken by the Opposite Party No. 2 and since the petitioner has expressed his bona fides and willingness to continue his relationship with his wife and perform his duty as a husband, the petitioner may be extended the privilege of anticipatory bail for which earlier interim protection had been granted to him.

Having considered the entire facts and circumstances of the case and also after interacting with both the parties in the presence of their respective counsels, it appears that at the moment, there appears to be no scope for any reconciliation. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Hena Mustafa, learned J.M. 1st Class, Hazipur, Vaishali in connection with Complaint Case No. 2466 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



However, considering the fact that the opposite party no. 2 is facing acute financial stringency and is unable to meet her day to day needs, it is directed that till the application of the Opposite Party No. 2 is determined in the Court of competent jurisdiction regarding grant of interim maintenance, she may be paid a sum of Rs. 15,00/- (fifteen hundred) per month towards subsistence so that she may at least sustain till the determination of her case.

It will be open to the opposite party no. 2 to open a bank account and supply the bank account number to the petitioner through the Court below. In case such amounts are not deposited by the petitioner, it shall be open to the Opposite Party No. 2 to file a two pages petition for modification of the present order granting anticipatory bail.

(Anjana Mishra, J)

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