

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75473 of 2018

Arising Out of PS. Case No.-550 Year-2007 Thana- COMPLAINT CASE District- Jamui

Abdul Gaffur @ Abdul Gaffar, S/o Late Jangli Mian, resident of Village- Baidhdih, Police Station- Khaira, District- Jamui. a present resident of Village- Barari Bazar, P.S. Joda Pokhar, District- Dhanbad Sifface Tremor Pit No. 6, Area No. 10 Bhulanbarari.

... .. Petitioner

Versus

1. State Of Bihar and Anr
2. Sairun Bibi, W/o Raffiq Mian @ Karim Baksh Mian, Marhum, resident of Village- Arnma Chowk, P.S.- Khaira, District- Jamui.

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Amrendra Kumar
For the Opposite Party/s :	Mr.Akhileshwar Dayal
For O.P. No.2 :	Mr. Rajesh Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 12-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 550c of 2007, lodged for the offence punishable under Section 420 of the Indian Penal Code.

Allegation against the petitioner, who happens to be son-in-law of opposite party No.2, is that he got a job under the VRS Scheme against husband of opposite party No.2 on the agreement that he will pay $\frac{1}{4}$ amount of his salary per month to the father-in-law and mother-in-law. Now he stopped making payment. From perusal of the order dated 18.12.2018 it appears that petitioner undertook to pay $\frac{1}{4}$ th of his monthly salary to



opposite party No.2 but from the order dated 28.3.2019 it appears that under some misconception the petitioner has stated so.

However, after some argument, learned counsel for the petitioner is ready to 1/4th of his monthly salary to opposite party No.2 from 18.12.2018. On the other hand, learned counsel for the opposite party No.2 has stated that the he should be given the same at least from the date of complaint.

In that view of the matter, this application is disposed of with a direction to the petitioner to surrender within a period of six weeks from the receipt of this order and on surrender he shall be released on bail by the court below itself subject to the condition that petitioner to pay 1/4th of his net monthly salary, excluding any loan amount, to opposite party No.2 from 18.12.2018 and further condition is that he will pay the due amount in between 18.12.2018 and the date of payment within a period of three months. However, it is made clear that the aforesaid payment will be subject to the result of the case and if the petitioner fails to pay the 1/4th of his monthly salary consecutively for a period of three months or he has not paid the due amount within the period mentioned above, opposite party No.2 is given liberty to move for cancellation of his bail bond,



which will be considered by the learned court below.

(Vinod Kumar Sinha, J)

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