

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43284 of 2019

Arising Out of PS. Case No.-258 Year-2017 Thana- COMPLAINT CASE District- Banka

SADDAM KHAN Son of Mittar khan Resident of Village - Bounsi, P.O.- and
P.S.- Bounsi, Dist.- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rukhsar Khatoon D/o Md. Quamar Alam Resident of Village - Islampur
(Jhukuriya), P.S.- Banuhakur (Bounsi), Dist.- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP
For the O.P. No. 2	:	Mr. Nurul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-11-2019 Perused he Medication Report. It appears that the

Mediation has failed.

Petitioner, who is husband of opposite party no. 2, has
moved this court for grant of anticipatory bail in connection
with Complaint Case No. 258 of 2017 for the offences under
Sections 498(A), 323 of the Indian Penal Code.

While it is the contention of learned counsel for the
petitioner that he is always ready and willing to take the
opposite party no. 2 as his lawful wife and is ready to live with
her with full dignity and care, the stand of opposite party no. 2
is that the petitioner has never been serious about it and in fact
he has indulged in quarreling with opposite party no. 2 even in



course of Mediation and further that in the facts and circumstances of the case now the opposite party no. 2 is not willing to live with the petitioner and wants one time settlement with the petitioner.

Considering the facts and circumstances of the case, wherein there appears to be an issue of compatibility between the parties and now the opposite party no. 2 is not willing to live with the petitioner and the petitioner himself come out with an offer to pay a sum of Rs. 4000/- per month towards maintenance of opposite party no. 2 and one child who is living with her subject to final outcome of the maintenance case, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka, in connection with Complaint Case No. 258 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or



indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that in terms of his own undertaking the petitioner shall pay a sum of Rs. 4000/- to the informant/opposite party no. 2 and one child in between first and fifteenth day of the month and shall remit the amount in the account of the informant/opposite party no. 2 regularly subject to final outcome of the maintenance case.

In case, the petitioner fails to abide by any of the conditions and undertaking as stated-above, it will be open for the informant/opposite party no. 2 to file an appropriate application in the court below for cancellation of bail bond of the petitioner.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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