

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45170 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- KORHA District- Katihar

Md. Nazir, S/o Md. Usman, R/o village- Ruksi, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Jahan Khatoon, W/o Md. Nazir, D/o Amanul Haque, At present resident at present of resident at her Naihar at village- Uchal Seiza Tola, P.S.- Barari, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-10-2019 This is an application for grant of anticipatory bail in connection with Korha P.S. Case No. 72 of 2019, disclosing offences under Sections 498A and 406 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per F.I.R. petitioner happens to be the husband of the informant. There is allegation of assault to the informant and also of demand of Rs.1,00,000/- from her.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he is still ready to keep her with full dignity and care.

On the other hand, the opposite party no.2 has appeared and submitted that she was subjected to severe torture and moreover, he had remarried with another lady. In view of



that, it is not possible to reside with him. Petitioner is not paying any amount to her, though she was ousted from the house in the year 2018.

Having heard both sides, in view of the facts, as stated above, let the petitioner, above named, surrender before the learned court below within a period of three weeks from the date of receipt of certified copy of this order, on condition that he has to pay Rs.2500/- per month to the opposite party no.2 for a period of one year. During that period, it is expected that opposite party no.2 shall move before the Family Court for grant of maintenance, the petitioner shall 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 S.D.J.M. Katihar, in connection with Korha P. S. Case No. 72 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

It is also made clear that petitioner has to co-operate in disposal of the maintenance case, if any, filed by the opposite party no.2 and will abide by the order passed by the Family Court.

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.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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