

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46459 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- MAHILA P.S. District- Bhojpur

NASRUL HAQUE S/o Naimuddin Ansari R/o Mohalla- Nazirganj, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ajara W/o Nasrul Haque R/o Mohalla- Nazirganj, P.S.- Ara Nagar, District- Bhojpur at present residing at Mohalla- Maullabagh, P.S.- Ara Nawada, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
for the informant	:	Mr. Ataul Haque, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-07-2019 This application, for grant of anticipatory bail, arises out of Mahila P.S. Case No. 26 of 2019, disclosing offences under Sections 498A, 307, 313, 315, 379 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of opposite party no. 2 and allegation against him is of demand of bullet motorcycle, golden chain and Rs. Five Lakhs as dowry, for which, she was subjected to cruelty and assault and her pregnancy was also terminated by the petitioner.

Submission of learned counsel for the petitioner is that all the allegations are false and concocted and he is still ready to keep the complainant with full honour and dignity.



Heard learned A.P.P. also

Learned counsel for the complainant suo motu appeared by filing Vakalatnama and her stand is that she is not ready to live with the petitioner, as she was subjected to torture and cruelty and her pregnancy was also terminated at the instance of the petitioner. Further submission is that presently she is residing in her maikie and petitioner is not paying any money towards her maintenance.

Having heard both sides, in view of the above facts, petitioner is directed to surrender in the court below on 19.08.2019 and file an affidavit that he is ready to pay Rs. 3,000/- per month to opposite party no. 2, till any order interim or final order is passed in the maintenance case, if any filed or to be filed by the opposite party no. 2, on which, the court below shall release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhojpur at Ara, in connection with Mahila P.S. Case No. 26 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if petitioner fails to pay the above



amount to opposite party no. 2 consecutively for three months,
opposite party no. 2 will be at liberty to move before the court
below for cancellation of bail bonds of the petitioner.

With the above observation and direction, this
application is disposed of.

(Vinod Kumar Sinha, J)

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