

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45096 of 2019

Arising Out of PS. Case No.-777 Year-2017 Thana- COMPLAINT CASE District- Araria

MD. NAZAM @ NAZAM Son of Abdul Kadir Resident of Village - Masuria,
P.S.- Mahalgaon, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sabnam Khatun Wife of Nazam Daughter of Abdul Mtin, Resident of Village - Bhadhran, P.S.- Mahalgaon, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Yadav

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-10-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 777C of 2017 instituted for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

As per complaint petition allegation against the petitioner, who happens to be husband of the complainant, is that he subjected the opposite party No.2 to cruelty and ousted her from the house along with her children with respect to demand of dowry.

Submission of learned counsel for the petitioner is that he is ready to keep her with dignity and care. However, no such submission was made before the learned Sessions Judge



while considering bail application. On the other hand, learned counsel for opposite party No.2 has appeared and submitted that due to torture meted out to her she is not ready to reside with the petitioner and in maintenance case filed by opposite party No.2 learned Family Court, Araria by order dated 20.6.2019 has ordered for payment of Rs.2000/- to opposite party No.2 and Rs.500/- each to her two children, altogether Rs.3000/- on contest by the petitioner and not a single penny has been given till date.

Heard learned APP also.

In view of above facts and circumstances, this application is disposed of with direction to the petitioner to surrender before the court below within a period of three weeks from the receipt of this order and on condition that he has to pay the due maintenance amount as decided by learned Family Court, Araria within a period of two months and to pay the maintenance amount every month to opposite party No.2, unless the same is modified or set aside by higher court, he shall be released 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 the Chief Judicial Magistrate, Araria, in connection with Complaint Case No. 777C of 2017, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.
and further condition is that one of the bailors of the petitioner
shall be a local person having sufficient immoveable property
within the jurisdiction of the court concerned. It is also made
clear that if petitioner fails to pay the maintenance amount
continuously for three months, opposite party No.2 is at liberty
to move for cancellation of bail bonds of the petitioner before
the court below.

(Vinod Kumar Sinha, J)

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