

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51694 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- PRANPUR District- Katihar

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ALGIR @ ALAMGIR @ MD. ALAMGIR S/o Shish Mohammad @ Shesh
Mohammad R/o village- Kewala, P.S.- Prampur, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sabina Khatun W/o Algir @ Alamgir @ Md. Alamgir, D/o Md. Rafique
Alam R/o village- Kewala, P.S.- Prampur, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-11-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Prampur P.S.Case No.34/19 dated 19.2.2109 G.R.No.795 of 2019 registered for offences punishable under Sections 498(A), 379, 120(B) of the Indian Penal Code and Section ¾ of the D.P.Act.

As per the complaint case the petitioner is said to be husband and there is allegation of demand of Rs.1.5 lac and for that torturing and assaulting her.

Submission of the learned counsel for the petitioner is that as a matter of fact he has divorced the complainant in the year, 2018 and earlier also he had filed a petition for restitution of the conjugal right and further submission is that in spite of all the above, he is still ready to keep her with dignity and care if she is ready to reside with him. On the other hand the learned counsel for the O.P.no.2 who has appeared on notice has submitted that in view of the cruelty meted out to her it is not



possible for her to reside with the petitioner but the petitioner should pay some maintenance amount to her as he is a business man.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with a direction that if the petitioner files an undertaking to pay Rs.3,000/- (three thousand) per month to the O.P.no.2 for a period of one year, the petitioner on surrender will be released on bail in connection with Pranpur P.S.Case No.34 of 2019, G.r. 795 of 2019 to the satisfaction of the learned court below itself. In the meantime, O.P.no.2 is expected to file an application before the Family Court for grant of maintenance.

It is made clear that failure to pay the above amount continuously for three months, O.P.no.2 shall be at liberty to move for cancellation of his bail bond before the learned court below itself.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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