

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46034 of 2019

Arising Out of PS. Case No.-208 Year-2016 Thana- MOHANIYA District- Kaimur (Bhabua)

GULAM HUSSAIN Son of Ali Husain Shah Resident of Village-Pipra, P.O.-
Kolhuan, P.S.-Adhaura, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Minhaz Khatoon Wife of Gulam Hussain Resident of Village-Pipra, P.O.-
Kolhuan, P.S.-Adhaura, District-Kaimur at Bhabua, at present residing at
village-Belauri, P.S.-Mohania, District-Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 31-07-2019 Heard the learned counsel for the petitioner, informant
and the learned A.P.P. for the State.

The petitioner seeks bail in Mohania P.S. Case No.
208/2016, instituted for offence under Section(s) 498A of the
Indian Penal Code.

It is alleged in the written report that on the date of
occurrence petitioner, who is husband of informant, came to house
and started assaulting the informant with *Danda* on account of
which she became unconscious. When she regained her
consciousness, she found herself near Mundeshwari Gate beside
Mohania bus stand.

Earlier petitioner was granted anticipatory bail by the
court below vide ABP No. 768/2016 but the same was cancelled



because petitioner had not complied the order of the Court below.

Learned counsel for informant has submitted that informant has one son and petitioner is not taking care of the son as well as the informant. There is order of the Court below, passed by learned A.C.J.M. IIIrd, Bhabhua in D.V. Case No. 568/2016, for making payment of maintenance of Rs. 5,000/- but no amount is being paid to the informant.

Learned counsel for the petitioner has submitted that son is with his father (petitioner).

Learned counsel for petitioner has submitted that at present there is no chance of petitioner to keep his wife.

Petitioner is in custody since 11.06.2019.

In such circumstances, petitioner is directed to deposit maintenance amount including the arrears as directed by the court below and produce valid receipt at the time of furnishing bail bond and in that event petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 208/2016, subject to the conditions that both the bailors shall be the close relative of the petitioner.

The petitioner will continue to make payment of amount of maintenance to informant after being released on bail every



month regularly.

In the event petitioner defaults in making payment of maintenance amount as ordered by the court below his bail bond shall be cancelled.

(Sanjay Priya, J)

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