

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75060 of 2018

Arising Out of PS. Case No.-1112 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Nabiruddin S/o late Serajuddin Resident of Village- Jhauwa, P.S.
Tarabari, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Noor Jahan W/o Md. Nabiruddin , D/o Md. Mosim Resident of Village-
Baturbari, Ward No. 10, P.S. Tarabari, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 11-04-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 1112-C of 2017, disclosing

offences under Section 498(A) of the Indian Penal Code.

Allegation against the petitioner as per complaint
petition lodged by his wife is that after marriage, she was
torturing mentally and physically both with respect to demand
of Rs.1,00,000/-, motorcycle and other articles and her father
and mother tried to intervene, but the petitioner resisted on
demand. Complaint petition further disclosed that she has one
son and two daughters from the petitioner, but she was outset
along with her children from the house by snatching gold
ornaments.



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

Heard learned A.P.P. as well as learned counsel for the complainant, they have opposed the prayer for anticipatory bail of the petitioner stating that the complainant and her children have not been allowed to live in the house of the petitioner and even in spite of granted maintenance in favour of opposite party no.2, the same has not been paid to her uptil now.

From perusal of the record it appears that the matter was sent to the Patna High Court Mediation Center vide order dated 18.12.2018, however, the report of the Mediator shows that mediation failed and the dispute between the parties could not be resolved.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, 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 learned Sub-Divisional Judicial Magistrate, Araria, in connection with Complaint Case No. 1112-C of 2017, subject to the condition laid down under Section 438(2) of the Code of Criminal



Procedure.

This is further subject to the condition that the petitioner has to pay the maintenance amount to the opposite party no.2 as decided by the Family Court regularly, till it is revised or any other order has been passed and failure to pay the maintenance amount for three consecutive months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the learned court below itself.

(Vinod Kumar Sinha, J)

Amjad/-

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