

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75258 of 2018

Arising Out of PS. Case No.-1049 Year-2017 Thana- COMPLAINT CASE District- Supaul

Md. Samim Ansari @ Md. Samim Alam, S/o Md. Nurul Hasan @ Md. Noor Hasan, Resident of Village- Kamalpur, P.S. Balua, District Supaul.

... .. Petitioner

Versus

1. State Of Bihar
2. Bibi Israt Khatoon, W/o Md. Samim Ansari, D/o Md. Akbar, Resident of Village- Chapon, P.S. Bhimpur, District- Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr. Kumar Virendra Narayan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 12-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 1049 C of 2017 in which cognizance has been taken under Section 498A IPC.

Allegation against the petitioner is of subjecting his wife to cruelty and he has ousted her along with one son and one son is with the petitioner. Further allegation is that petitioner married another lady and resides in Bombay.

It appears that the matter was sent to the Mediation Committee but from the report of Mediation Committee it appears that in spite of best efforts mediation between the parties could not succeed.

Submission of learned counsel for the petitioner is



that he is still ready to keep her with dignity and care, whereas submission of learned counsel for opposite party No. 2 is that petitioner has remarried working at Bombay and not a single penny is being given to opposite party No.2 and one of his sons is with her.

Heard learned APP also.

Having heard both sides and in the facts and circumstances, let petitioner, above named, surrender within a period of six weeks from the receipt of this order and on surrender 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. 1049 C of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned and further condition is that petitioner has to pay Rs.3000/- per month to opposite party No.2 for her maintenance and for her child for a period of one year and in the meantime, opposite party No.2 may file a maintenance case before the competent court and this order of payment will be



subject to any order passed in the maintenance case. Needless to say that the petitioner has to co-operate in the maintenance case and failure to pay the amount as aforesaid and not co-operating in the maintenance case, the opposite party No.2 is given liberty to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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