

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6619 of 2020

Arising Out of PS. Case No.-290 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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MD. MUMTAZ ALAM, Son of Md. Nabi Hussain, Resident of Mohalla -
Naya Sumdhana, P.S.- Bhadrawati, Distt - Chandrapura (Maharastra)
Commercial Address Aman Garments, Jama Masjid, Main Road, P.S. and P.O.
- Bhadrawati, Distt - Chandrapur, (Maharastra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahira Parveen, D/o Md. Unus Alam, Wife of Md. Mumtaz Alam, Resident
of Algyas Nagar West of Ray Chouk, P.O. and P.S.- Phulwari Sharif, Distt -
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ganesh Prasad Yadav, Adv.
For the Opposite Party/s	:	Mr.Nand Kumarn (APP)
For the Informant	:	Mr. S. Akhtar, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 30-06-2020 The proceedings of the Court are being conducted

through Video Conferencing and the Advocates joined the

proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner apprehends his arrest in a case

registered for the offence punishable under Section 498(A), 323,

341 of the Indian Penal Code.

Allegation against petitioner is of torturing for non-

fulfillment of demand of dowry and she was ousted from her



matrimonial house.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner had always taken care of the complainant being his wife and even he brought her to place of his Job, Bhadrawati (Maharashtra) but the complainant could not adjust there. It is further stated that complainant started to make pressure upon the petitioner to settle at Naihar of the complainant, but he refused for the same and to pressurise on the petitioner, this complaint case has been filed by the complainant by creating false story. The petitioner further undertakes to make payment of Rs. 1500/- (one thousand five hundred) per month to the complainant as maintenance by 2nd week of every succeeding month till any interim/final order is passed in maintenance case.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances of the case coupled with the undertaking of **the petitioner to make payment of Rs. 1500/- (one thousand five hundred) per month to the complainant as maintenance**, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four



weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No. 290(C) of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) Petitioner will keep on paying maintenance amount by 15th of every month till passing of order of interim/final order in maintenance case and in failure to pay maintenance amount, bail of petitioner shall be cancelled.

(S. Kumar, J)

Rajiv/veena

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