

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51326 of 2019**

Arising Out of PS. Case No.-335 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

Md. Akbar Nadaf @ Md. Akbar Aged about 40 years (Male) Son of Islam @
Md. Islam Resident of Village - Belam, P.S.- Sakri, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najida Khatoon Wife of Akbar Nadaf @ Md. Akbar Resident of Village -
Belan, P.S.- Sakri,. Dist.- Madhubani at present Resident of Village -
Gandhbari, P.S.- Sakri, Dist.- Madhubani.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Jha
For the Opposite Party/s :	Mr. Md. Shakir Ahmad
	Mr. Md. Helal Ahmad

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7. 26-02-2020 Heard learned counsel for the parties.

The petitioner, husband of opposite party no. 2, apprehends his arrest in C.R. Case No. 335/2018, corresponding to T.R. Case No. 3131/2018, registered for the offence under Section 498(A) of the Indian Penal Code.

Earlier, vide order dated 20-11-2019, the matter was sent to Mediation Centre for settlement of dispute between the parties, but from perusal of Mediator's report dated 17-01-2020 (Flag 'C'), it appears that mediation has failed.

Learned counsel for the petitioner submits that at this juncture, the petitioner is ready to give maintenance amount of Rs. 5,000/- (five thousand) per month, starting from this month, to complainant/opposite party no. 2, which has been agreed by the counsel for opposite party no. 2.

In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 5,000/- (five thousand) per month, in the event of arrest/surrender within a period of six weeks from today, let the



above-named petitioner be enlarged 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 A.C.J.M. IVth Madhubani in connection with Complaint Case No. 335 of 2018, corresponding to T.R. Case No. 3131 of 2018 on the following conditions:

“(1) Opposite party no. 2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(2) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the opposite party no. 2.

(3) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(4) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(5) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(6) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.”

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

