

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58217 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- BARSOI District- Katihar

ABDUL RAHMAN Son of Late Abdul Gafoor Resident of Village - Bengitola, P.S.- Barsoi, (Kachna O.P.), District - Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Naz Fatma Wife of Abdul Rahman D/o Late Niyaz Ahmad, Resident of Village - Bengitola, P.S.- Barsoi, (Kachna O.P.), District - Katihar. present of Resident of Village - Ekchanna, P.S.- Barsoi, (Kachna O.P.), District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha
For the Informant :		Mr. Najeeb Ahmad
For the Opposite Party/s :		Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-01-2020 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Barsoi (Kachna O.P.) P.S.Case No.120 of 2019 , registered for offences punishable under Section 498A of the Indian Penal Code Section ¾ of the D.P.Act.

As per FIR, there is allegation of demand of Rs.25 lac. Petitioner happens to be husband of the informant and further allegation of solemnizing another marriage at Bengal. This matter was referred to the Mediation Centre after appearance of the O.P.no.2 the mediation has failed.

Submission of the learned counsel for the petitioner is



that as a matter of fact he is still ready to keep her with dignity and care but she is not ready to reside with the petitioner and the informant is the second wife of the petitioner.

On the other hand the learned counsel for the informant has opposed the prayer for bail stating that he has filed Counter Affidavit showing that petitioner has solemnized another marriage at Bengal without divorcing the informant .

Heard learned A.P.P. also.

Having heard both sides and considering the submission as made above and the petitioner is in service in B.S.F., this application is disposed of with a direction to the petitioner that if the petitioner files an application that he is ready to pay Rs.20,000/- (twenty thousand) per month to the O.P.no.2 till the same is decided by Family Court or any other court of competent jurisdiction, the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Barsoi (Kachna O.P.) P.S.Case No.120 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

Learned counsel for the Opposite Party No.2 has informed that she has filed a maintenance case bearing



Maintenance Case No.19 of 2019, which is pending in the Family Court/Addl. Family Court, Katihar. In such view of the matter, petitioner is directed to appear in that case and the learned Family Court is directed to dispose of the maintenance case itself within a period of six months.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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