

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16002 of 2020

Arising Out of PS. Case No.-2850 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Md. Shamshad @ M.D. Shamshad aged about 25 years Son of Mir Hassan
Resident of Village - Maharajganj Mohan Bazar, P.S.- Maharajganj, District -
Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. Gudiya Khatoon Wife of Md. Shamshad @ M.D. Shamshad Daughter of
Bismillah Miya, Resident of Village - Narayan Belsar, P.S.- Barauli, District -
Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Javed Aslam, Advocate
For the State	:	Mr.Md. Anbzarul Haque Sahara, Addl PP
For the opposite party no.2	:	Mr. Dineshwar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 02-03-2021 Heard learned counsel for the petitioner, the State and
the opposite party no.2.

The petitioner who is husband of opposite party no. 2
apprehends arrest in a case registered for the offence punishable
under Sections 498A of the Indian Penal Code and section 3/4 of
the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
petitioner is ready to give maintenance amount of Rs. 2000/-per
month, starting from this month, to 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. 2000/- per month, in the event of arrest/surrender within a period of eight weeks from today, 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 the Sub Divisional Judicial Magistrate, Gopalganj in Complaint Case No. 2850 of 2018/Tr No.2087 of 2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as 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 co-operate 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/her absence on two consecutive dates without sufficient



reason, his/her 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)

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