

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2169 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- MAHILA P.S. District- Araria

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MD. MIROZ @ MD. MIROZ ALAM S/O JAINUDDIN R/O VILLAGE
MADARGANJ, WARD NO. 16, P.S. SIMRAHA, DISTRICT-ARARIA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RIFAT SHAHIN W/O MD. MIROZ @ MD. MIROZ ALAM, D/O MD. SIRAZUDDIN RESIDENT OF VILLAGE-REWAHI, WARD NO.14, P.S.-NARPATGANJ, DISTRICT-ARARIA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahila P.S. Case no. 57 of 2020 instituted for the offence under Sections 498(A), 341, 323 and 504 of the Indian Penal Code.

As per allegation in the FIR, petitioner has tortured the informant mentally and physically, when she used to protest his gambling habit and finally he ousted her from matrimonial home.

It is submitted by learned counsel for the petitioner that petitioner is husband of the informant/O.P. No. 2 and he is ready to keep the informant as wife with full dignity and honour.



The aforesaid offer of the petitioner has not been accepted by the informant who denies to go to her matrimonial house and live with her husband. However, she prays for some maintenance for her survival and survival of her children as she is a housewife and she is not able to maintain herself and her children.

In the alternative, learned counsel appearing on behalf of the petitioner, on instructions, submits that petitioner is ready to give Rs. 2,00,000/-(Two Lakhs) as an interim maintenance to the informant for maintenance of her wife and children, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the petitioner within a period of one week from today. On receipt of the bank account number of the informant, the petitioner shall deposit Rs. 1,00,000/- (One Lakh) as an interim maintenance in the account furnished by the informant and after release, the petitioner shall pay further remaining amount of Rs. One Lakh to the informant within one month.

Having heard learned counsel for the parties and considering the submissions made on behalf of the petitioner,



this Court is inclined to enlarge him on bail.

On furnishing receipt of deposit of Rs. 1,00,000/- (One Lakh) in the account of the informant by the petitioner, the petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria in connection with Mahila P.S. Case no. 57 of 2020, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

(Sunil Kumar Panwar, J)

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