

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16410 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- MAHILA PS District- East Champaran

Md. Nizamuddin, Son of Abdul Khalik Resident of Village- Kathan, P.S.-
Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is an accused in connection with
Mahila P.S. Case No.12/2021 instituted under Sections 498A/34
of the Indian Penal Code and ¾ of D.P. Act.

The allegation in the FIR is that the petitioner who
earlier also had a case under 498A and had promised to keep the
lady with full dignity; once again resorted to the same act as a
result whereof at present the lady with her two minor daughters
had to leave the husband's home and are staying with her
parents. The further allegation is that the petitioner herein has
solemnized second marriage.

Learned counsel for the petitioner submits that



without taking into account the outcome of this bail application, the petitioner is ready to keep his wife Anwari Begum with full dignity, honour, respect, comfort, security and safety. He also wants to extend his full love to daughters, Sumaiya and Sadiya. He is further ready to deposit three fixed deposits of Rs.50,000/- each in their respective names to be issued by the State Bank of India of the local Branch which will be submitted to the learned court in seisin of the matter so that the same is handed over to them. He further intends to pay Rs.5000/- month to his wife Anwari Begum till any appropriate court passes any order of maintenance, if any.

Coming to the allegation in the FIR, the lady has alleged that earlier also 498(A) IPC case was registered against him in 2016 whereafter a compromise was done in 2018 but the petitioner herein again resorted to the same act which resulted into lodging of the present FIR. She further alleged that dowry of Rs.2,00,000/- was taken at the time of marriage but still the accused petitioner continues to demand. On the fateful day, he brought a lady and stated that has married to her and thereafter threw them from home in the night threatening not to return. She spent the night on the road along with daughters and came to her parents thereafter.



Although the allegation in the FIR does not give a good picture of the petitioner herein, to save the marriage and allow him to try to reform himself and live happily with the wife and two minor daughters, as also the fact he is in custody since 17.01.2022 and the charge-sheet already stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No.12/2021 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari, subject to following conditions:

(i) three fixed deposits of Rs.50,000/- each issued by the State Bank of India local Branch in the name of Anwari Begum, Sumaiya and Sadiya will be submitted to the learned Trial court on the day the bail bond is preferred on behalf of the petitioner herein;

(ii) the learned Trial court in turn will hand over the three fixed deposits to the wife of the petitioner, namely Anwari Begum who will receive all the three certificates on behalf of her minor daughters also after providing necessary identification document issued by a Government agency;



(iii) the petitioner as promised will take the wife and the two children to his home, if the lady and the children are willing to go with him and will keep them in good humour;

(iv) he shall deposit Rs.5000/- every month in the Bank Account of his wife Anwari Begum till any order is passed by any court regarding her maintenance;

(v) after completion of one month of release, a petition will be filed jointly by the couple before the learned Trial court (if the wife goes with the petitioner) on the conduct of the petitioner towards the lady and the two daughters;

(vi) the petitioner shall co-operate in the Trial and ensure his presence on every date.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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