

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28974 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA PS District- Gopalganj

Md. Usman Son Of Md. Zahiruddin R/O Village- Indarwan Sakir, P.S.-
Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Salamun Nesha Wife Of Md. Usman, D/O- Md. Islam R/O Village-
Indarwan Sakir, P.S.- Gopalganj , District- Gopalganj. At Present R/O
Village- Naya Tola Rampur, P.S.- Kuchaikote, District- Gopalganj
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-09-2022

Heard learned counsel for the parties.

The petitioner, husband of Opposite Party No. 2 apprehends his arrest in Gopalganj (Mahila) P.S. Case No. 36 of 2021 registered for the offence under Section 498(A) and other allied sections of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that at this juncture, the petitioner is ready to give maintenance amount of Rs. 3,000/- (three thousand) 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. 3,000/- (three thousand) per month, in the event



of arrest/surrender within a period of six weeks from today, let the petitioner above-named 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 Sub-Divisional Judicial Magistrate, Gopalganj in connection with Gopalganj (Mahila) P.S. Case No. 36 of 2021 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)

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