

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45340 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- MAHILA P.S. District- Banka

Inamul Ansari S/o Idrish Ansari R/o Village-Lalmatiya, P.S-Banka, District-Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State virtual Court proceedings.

The petitioner seeks bail in connection with Banka
(Mahila) P.S. Case No. 12 of 2021 instituted for the offences
under Sections 498A and 494 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
allegation in the F.I.R. is that informant Israt Khatoon alleges
that she was married with this petitioner in the year 2013 in
accordance with the Islamic rights and out of the wedlock, a
female child was born to them. Further, that after few years of
marriage the petitioner started demanding Rs. 2 lakhs from the



informant as dowry and due to non-fulfillment of the same, petitioner performed second marriage with Rangina Khaton.

Learned counsel for the petitioner submits that the petitioner is willing to keep his wife Israt Khatun with full dignity and honour and in the event, she is not willing to stay with the petitioner then he is willing to maintain her and the daughter till the matter is not amicably settled either through mediation of well wishers or through process of Court. Learned counsel for the petitioner on instruction submits that petitioner is willing to pay a monthly maintenance of Rs. 3,000/- per month towards monthly maintenance of his wife and daughter.

Learned A.P.P. for the State, Shri Khurshid Anwar fairly submits that since the petitioner is ready and willing to keep his wife and child with dignity and honour and in the event if they are not willing to stay with him, he is willing to maintain them as such bail, for the present, is not being opposed. Learned A.P.P. submits that some direction be issued to the learned court below to ensure that the petitioner keeps paying the maintenance as agreed by him in the event if the wife and the child is not willing to stay with him.

Considering the fact that the petitioner is in custody since 23.03.2021, charge-sheet has been submitted in the case,



the petitioner is a person with clean antecedent and he has agreed to keep the informant and the child with full dignity and honour and in the event if they refuse to stay with him, petitioner is willing to pay a monthly maintenance of Rs. 3,000/- for upkeep of the informant and the child, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Banka (Mahila) P.S. Case No. 12 of 2021.

It is further directed that in the event, the informant does not have a bank account then the informant will open a bank account and will furnish the number of the same to the petitioner, in the event she refuses to stay with the petitioner and the petitioner after receiving the bank account number will start depositing the monthly maintenance amount commencing from 01.02.2022 and if the informant is having a bank account then petitioner will start depositing the monthly maintenance in the account from 01.02.2022.

In the event, the informant files an application before the learned court below stating that the petitioner in any of the month, till the matter is not settled, has not paid the maintenance



amount, the learned court below will forthwith cancel his bail bonds.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

