

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67820 of 2021

Arising Out of PS. Case No.-50 Year-2021 Thana- MAHILA P.S District- Supaul

MD. HUSSAIN Son of Md. Salim Resident of Village - Kharail Punarvas,
Ward No. 16, Police station - and District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kamrun Nisha @ Quamrun Nisa Wife of Md. Hussain, Daughter of Abdul Jabbar Resident of Village - Kharail Punarvas, Ward No. 16, Police station - and District - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mr. Raju Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-03-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Mahila (Supaul) P.S. Case No. 50/2021 registered for the offences punishable under Sections 498(A)/341/323/504/506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner has himself offered to pay a monthly maintenance of Rs. 3, 000/- (Rupees Three



Thousand) as maintenance per month.

Learned counsel for the opposite party No. 2 submits that a maintenance case being Maintenance Case No. 37/2021 is pending in the Court of Principal Judge, Family Court, Supaul, in which the petitioner has not appeared.

Considered the submissions of the parties.

Without going into the details of the allegations and counter allegations which can only be verified during the trial and considering the judgment of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*, the prayer of the petitioner for grant of anticipatory bail is allowed, subject to payment of monthly maintenance of Rs. 3,000/- per month in the bank account of the opposite party No. 2 which shall be subject to final outcome of aforesaid maintenance case.

The petitioner is directed to appear in the aforesaid maintenance case on 15.03.2022 before the Principal Judge, Family Court, Supaul and the Principal Judge, Family Court, Supaul is directed to dispose of the Maintenance Case No. 37/2021 preferably within a period of three months from today.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on



furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Supaul in connection with Mahila (Supaul) P.S. Case No. 50/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

With the aforesaid direction, the present application for grant of anticipatory bail is allowed.

(Sandeep Kumar, J)

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