

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37659 of 2023

Arising Out of PS. Case No.-78 Year-2021 Thana- MAHILA P.S. District- Madhubani

MD. FAISAL Son of Md. Hasibut Resident of village - Parsauni, P.S. - Bisfi,
Distt. - Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Rajiya Sultana Wife of Md. Faisal Resident of village - Parsauni, P.S. - Bisfi,
Distt. - Madhubani

... .. Opposite Party

Appearance :

For the Petitioner

Mr. Gagandeo Yadav, Advocate

Mr. Ravi Prakash, Advocate

For the State

:Mr. Damodar Prasad Tiwary, Addl Public Prosecutor

for opposite party no.2 Mr. JK Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner, the State and
the opposite party no.2.

2. The petitioner, who is husband of opposite party
no.2, apprehends arrest in a case registered for the offence
punishable under Sections 498A/34 and other allied sections of
the Indian Penal Code.

3. Mediator's report dated 23.11.2023 reveals that in
spite of efforts, dispute between the parties could not be
resolved through process of mediation.

4. Learned counsel for the petitioner submits that the
petitioner offers and undertakes that he is ready to give
maintenance amount of Rs. 3000/-per month, starting from this
month to the opposite party no.2.

5. In view of the undertaking of learned counsel for
the petitioner that petitioner is ready to give maintenance
amount of Rs. 3000/- per month, in the event of arrest/surrender



within a period of six weeks from today, above-named petitioner 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 the Chief Judicial Magistrate, Madhubani in Mahila Police Station Case No. 78 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

(i) 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.

(ii) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the opposite party no.2.

(iii) 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.

(iv) 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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