

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42556 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- PHULWARIYA District- Gopalganj

Mohammad Ali @ Mahammed Ali Sohrab Alam Khan @ Mohammad Ali Sohrab A. Khan @ Mahammad Ali Sai Son Of Late Shohrab Alam Khan Village- Fatehpur Tola Jinchapati Ps- Mirganj Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sifa Khatoon @ Sifa Khan wife of Mohammad Ali @ Mahammad Ali Sohrab Alam Khan @ Md Ali Sohrab A. Khan @ Mahammad Ali Sai Village- Churaman Chak Bhatwaliya Ps- Phulwaria Sripur OP Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-07-2023 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 Section 498A and other allied sections of the Indian Penal Code.

3. 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.

4. 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 Additional Chief Judicial Magistrate XVI, Gopalganj in Fulwaria Police Station Case No. 17 of 2022, 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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