

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43253 of 2022**

Arising Out of PS. Case No.-764 Year-2020 Thana- SIWAN COMPLAINT CASE District-  
Siwan

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Akhtar Hussain Son of Md. Mustafa Resident of Village - Bhelpur, P.O.-  
Sikandarpur, P.s.- G.B.Nagar (Tarwara), Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon W/o Akhtar Hussain , D/o Md. Alam Resident of Village -  
Chhata Muslim Hata, P.s.- Hussainganj, Distt.- Siwan.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Naresh Prasad  
For the Opposite Party/s : Mr.Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      13-03-2023                      Heard learned counsel for the parties.

The petitioner, husband of Opposite Party No. 2  
apprehends his arrest in a case registered for the offence under  
Sections 498(A), 323 of the Indian Penal Code.

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 Judicial Magistrate Ist Class, Siwan in connection with Complaint Case No. 764 of 2020 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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