

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47265 of 2023

Arising Out of PS. Case No.-1038 Year-2022 Thana- COMPLAINT CASE District- Araria

ASHIQUE @ ASHIQUE ALAM, S/O AJIM, R/O Village- Urantoli, Kakan,
W.No. 10, P.S- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rahmina W/O Ashique, D/O- Mansoor R/O Village- Satbita, W.No. 6, P.S-
Jokihat, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Nafisuzzoha, Advocate
For the State	:	Mr.Dr. Kumar Uday Pratap, APP
For the	:	Mr.Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2023 1. Heard learned counsel for the petitioner and

learned APP for the State of Bihar, as well as learned counsel

for the complainant/opposite party no.2.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1038c of 2022 registered

for offence under Section 498A of the Indian Penal Code and

Section 3/4 of the Dowry Prohibition Act.

3. The petitioner is the husband of

complainant/opposite party no.2.

4. It is submitted by learned counsel for the petitioner

that the petitioner's implication in this case is on extraneous

considerations. In fact, the matrimonial relationship is strained



but no criminal offence has taken place and the complainant has also lodged a maintenance case against the petitioner.

5. Learned counsel for the complainant/opposite party no.2 submits that maintenance has been fixed at Rs. 6,000/- (Six thousand rupees) per month on 03.06.2022. However, the petitioner has not been honouring the order of maintenance as he is not paying the complainant/opposite party no.2 her maintenance regularly.

6. Learned counsel for the petitioner submits that the petitioner would ensure up to date payment in terms of the order passed in Maintenance Case No. 183 of 2022. He would be filing an affidavit showing proof of payment of maintenance up to date within four weeks.

7. Having regard to the submissions advanced by learned counsel for the petitioner, and subject to proof of payment of maintenance up to date, by way of affidavit, while surrendering in the Court of learned Judicial Magistrate 1st Class, Araria, for availing benefit of this order, within 4 weeks, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, be released 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 learned Judicial Magistrate 1st Class, Araria, in connection with Complaint Case No. 1038c of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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