

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44225 of 2023

Arising Out of PS. Case No.-446 Year-2019 Thana- COMPLAINT CASE District-
Kishanganj

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Shahnawaz Alam Son of Jahid Alam Resident of Village - Teghariya, P.S.-
Kochhadhaman, District - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Heena Praveen Wife of Shahnawaz Alam D/o Mohsin Ali, Presently residing
at village - Natuapara, P.S.- Kochhadaman, District - Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP
For the Opposite party no. 2	:	Mr. Ram Pravesh Kumar, Advocate
		Mr. Rajeev Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the O.P. no.2.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 498(A) of the I.P.C.

3. It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. Petitioner
has been falsely implicated in this case. The allegation levelled
against the petitioner is not specific rather general and omnibus
in nature. Learned counsel for the petitioner submits that
petitioner wants one time settlement between the parties.
Petitioner has no criminal antecedent as mentioned in para-3 of



this application.

4. Learned counsel for the opposite party no. 2 submits that O.P. no. 2 has filed maintenance case before the court below in which ex-parte order is in her favour. He further submits that petitioner was directed to pay Rs. 4,000/- per month to O.P. no. 2, but till date petitioner has not paid the said amount.

5. Petitioner is directed to pay Rs.3,000.00 (Rupees Three Thousand) per month to the O.P. no. 2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, O.P. no. 2 shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

6. Having regard to the facts and circumstances of the case, with the direction to pay Rs. 3,000/- per month to O.P. No. 2, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. C-446 of 2019,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. Learned Court below is directed to issue notice to informant/complainant for furnishing her bank account details. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant/complainant after she furnishes her bank account details.

9. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

10. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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