

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69705 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- PANDAUL District- Madhubani

MD. ALLAUDDIN Son of Md. Motiurrahman R/V- Bhagwatipur, P.S-
Pandaul, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2023 Heard learned counsel appearing on behalf of the
parties.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with Pandaul P.S. Case No.
60 of 2022, registered for the offences punishable under
Sections 341, 323, 308 and 498A/34 of the Indian Penal Code.

The allegation against the petitioner is to commit
cruelty against the informant/wife and also assault the son,
namely, Md. Jamaluddin, while intervening the petitioner to
assault informant.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is under habit to lodge such a false



case, as prior to this incident Rahika P.S. Case No. 151 of 2018 under Section 498A and 323 of Indian Penal Code, was registered against this petitioner and subsequent after mediation informant is living with petitioner with children and receiving Rs. 3,000/- per month as maintenance. It is pointed out by learned counsel that injury as alleged to cause the son, namely, Md. Jamaluddin is simple in nature, which is not suggesting that same is sufficient to cause death in ordinary course of nature. While concluding the argument, it submitted that petitioner found involved in 1 (one) more criminal cases, where, he is on bail.

Learned APP for the State, opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case, as petitioner is paying Rs. 3,000/- per month to informant/wife as maintenance, in furtherance of Rahika P.S. Case No. 151 of 2018, let above named petitioner, in the event of his arrest or surrender before learned court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani /concerned Court, where the case is pending in connection with Pandaul



P.S. Case No. 60 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition:

“Ld. Court concerned, is directed to verify, whether, maintenance amount of Rs. 3,000/- (Rupees Three Thousand Only) was duly paid to informant till date or not? In case of default, petitioner is directed to pay up-to-date maintenance amount to informant @ Rs. 3,000/- (Rupees Three Thousand Only) at the time of furnishing bail bond, in view of submission as advanced”.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

