

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5202 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHILA PS District- Darbhanga

Md Ashraf Son Of Md Ajij Resident Of Village - Muhalla - Punrahi, Ward
No.8, P.S. - Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Raushan Khatoon Wife Of Md Ashraf, D/O. Md Anwar Resident Of
Village / Mohalla - Dhanoli, P.S. - Baheri, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kedar Jha
For the Opposite Party/s :	Mr. Shyam Bihari Singh
	Mr. Vinay Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2024 Heard learned counsel for the parties.

2. The petitioner, husband of the informant/O.P.-2, apprehends his arrest in a case registered for the offence under Sections 498(A), 323, 504/34 of the Indian Penal Code, Section 3 / 4 of the Dowry Prohibition Act and Section 4 of the Muslim Marriage Protection Act.

3. As per prosecution case, this petitioner is alleged to have committed torture and harassment with the informant/O.P.-2 due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner is ready to give maintenance amount of Rs. 3,000/- (three thousand) per month, starting from this month, to informant/O.P.-2.



5. 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 to informant/O.P.-2**, 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 S.D.J.M., Darbhanga / concerned court in connection with Mahila P.S. Case No. 35 of 2023, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:

“(A.) Informant/O.P.-2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(B.) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the informant/O.P.-2.

(C.) 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.

(D.) 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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