

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28060 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Nausad Alam S/O Late Sowrati R/O Village- Khor Madanpur, P.S.- Bheja,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahmati Khatoon W/O Md Nausad Alam, D/O Md. Mustafa @ Agahanu
R/O Village- Bela Pauhadadi, P.S- Ghanshyampur, Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Adv.
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP
Mr. Ashok Kumar Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-10-2024 Earlier, the matter was referred to Mediation Centre,

but the dispute between the parties could not be settled through

the process of mediation and as such, mediation failed (report at

flag 'B').

2. Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel for the opposite party No. 2.

3. The petitioner apprehends his arrest in connection with

Jhanjharpur C.R. No. 156 of 2023 for the offences punishable

under Section 498A of the Indian Penal Code.

4. Learned counsel appearing on behalf of the petitioner

submits that the petitioner is the husband of the Opposite party

no. 2. The petitioner offers and undertakes that he is ready to



give maintenance amount of Rs. 3,000/- per month, starting from this month, to opposite party no. 2.

5. Learned counsel appearing on behalf of the opposite party no. 2 does not dispute the contention made on behalf of the petitioner.

6. 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 the opposite party no. 2, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Jhanjharpur C.R. No. 156 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as on the following conditions:-

‘(i) Opposite party no. 2 would file an affidavit before the Court below and bring on record her savings bank account number for its communication to the petitioner.

(ii) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the O.P. No. 2.

(iii) 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.

(iv) 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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