

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33990 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- MAHILA PS District- Buxar

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Md. Shabir Hussain son of Wahid Hussain House No- 39/ 1, Bhagwan Mandal street, Kamarhatti Ps- Belghariya Dist- Kolkata

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajmeri Khatoon wife of Md. Shabir Hussain, D/o- Md. Shabir Ansari Village- Purwa Tola Brahampur Ps- Brahampur Dist- Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Harun Quareshi, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP
Dr. Kamal Deo Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Earlier, the matter was referred to Mediation Centre, and the dispute between the parties has been settled through the process of mediation, but petitioner failed to carry out terms and conditions as mutually agreed between the petitioner and opposite party no. 2 as recorded in the Mediator's report (report at flag 'M').

2. Heard learned counsels for the parties.

3. The petitioner apprehends his arrest in connection with Buxar (Mahila) P.S. Case No. 55 of 2023 for the offences punishable under Sections 323, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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 Chief Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case No. 55 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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