

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56758 of 2024

Arising Out of PS. Case No.-37 Year-2021 Thana- COMPLAINT CASE District- Supaul

MD. MURTUZA @ MOHAMMAD MURTUZA SON OF MOHAMMAD
NASIM RESIDENT OF VILLAGE - GHOGHARRIYA, P.O. -
MANOHARPATTI, P.S. - NADI (BARHARA), DISTRICT - SUPAUL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RUBY KHATOON WIFE OF MD. MURTUZA RESIDENT OF VILLAGE
- GHOGHARRIYA, P.O. - MANOHARPATTI, P.S. - NADI (BARHARA),
DISTRICT - SUPAUL, AT PRESENT D/O MD. UMAR FAROOQUE,
RESIDENT OF VILLAGE AND P.O. - CHHITHI HANUMAN NAGAR,
WARD NO. 11, P.S. - BHAPTIYAH, DISTRICT - SUPAUL

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the State	:	Ms. Indu Kumari Srivastava, APP
For Opposite Party No.2 :		Md. Harun Quareshi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2024 Heard learned counsels for the parties.

2. The petitioner, husband of the
complainant/Opposite Party No. 2, apprehends his arrest in a
complaint case wherein cognizance has been taken for the
offence punishable under Section 498A of the Indian Penal
Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is of matrimonial
cruelty and 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 rupees) per month, starting from this month, to complainant/Opposite Party No. 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 rupees) per month to complainant/Opposite Party No. 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., Supaul, in connection with Complaint Case No. 37C of 2021, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:

“(A.) Complainant/Opposite Party No. 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 complainant/Opposite Party No. 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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