

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61843 of 2023

Arising Out of PS. Case No.-446 Year-2022 Thana- COMPLAINT CASE District- Araria

Ghulam Rabbani @ Gulab Rabbani son of Ishaque Village- Sogna W.No-10,
Ps- Tarabari Dist- Araria Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farhana wife of Ghulam Rabbani, d/o- Haji Islamuddin village- Kadwa
W.No-10, Ps-Raniganj Dist- Araria, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-05-2024 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 'M-1').

2. Heard the parties.

3. The petitioner apprehends his arrest in connection with

Complaint Case No. 446C of 2022 registered under Sections

323 and 498(A) 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. 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 six 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, Araria in connection with Complaint Case No. 446C of 2022, 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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