

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72718 of 2023

Arising Out of PS. Case No.-1029 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Mushfiq Alam @ Md. Mushfiq Alam Son of Md. Zafarul Haque Resident of
Village Fulwari, P.s. Rauta, District Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jahida Begam D/o. Md. Matiur Rahman, Wife of Mushfiq Alam Resident of
Village - Mangalpur, P.O. - Runki, P.S. - Rauta, District - Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, A.P.P.

Mr. Manish Kumar, Ms. Puja Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-06-2024 Earlier, vide order dated 09.11.2023, the matter was referred to Mediation Centre of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report at flag 'M').

2. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the complainant / opposite party no. 2.

3. The petitioner, who is husband of opposite party no. 2, apprehends his arrest in a complaint case punishable for the offences under Sections 323, 498A of the Indian Penal Code.

4. Petitioner is alleged to have committed torture and



harassment to opposite party no. 2 for dowry.

5. Learned counsel for the petitioner submits that 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.

6. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of **Rs. 3,000/- (Rupees three thousand) per month** to the opposite party no. 2, in the event of arrest/surrender within a period of six weeks from today, let the above-named petitioner 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 Chief Judicial Magistrate, Purnia in connection with C.A. Case No. 1029 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

- “(1) 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.
- (2) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party no. 2.
- (3) 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.

- (4) 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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