

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70262 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Md. Firoj Alam Son of Samsad Aalam R/o vill - Harpurkrah, P.S. - Baniyapur,
distt. - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabiya Khatoon Wife of Firoj Aalam, D/o Abdul Salam R/o vill - Harpurkrah, P.S. - Baniyapur, presently residing at Raushali, P.S. - Panapur, distt. - Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in complaint and apprehending his arrest in complain case no. 265/2022 registered for the offences punishable under Sections 323/341/406/498A/34 of the Indian Penal Code and 3/4 of the D.P. Act.

3. The allegation against this petitioner, who is husband, is to commit mental and physical cruelty upon O.P. No. 2/wife due to non-fulfillment of demand of dowry as raised for Rs. 3 Lakhs and one motorcycle.



4. Learned counsel appearing on behalf of the petitioner submitted that out of certain family disputes O.P. No. 2 left the house of petitioner by deserting him and since then she is living with her parents. It is submitted that even as a matter of good gesture, petitioner/husband is ready to pay Rs. 2500/- per month as an ad-interim maintenance to O.P. No. 2/wife till pendency of case before the learned trial court or finding of competent Family Court *qua* maintenance in issue. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing for the informant opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as petitioner/husband is ready to pay ad-interim maintenance to O.P. No. 2/wife, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chhapra Saran/concerned Court, where the case is pending in connection



with Complain Case No. 265 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions:-

(i) Petitioner shall pay Rs. 2500/- as an ad-interim maintenance to O.P. No. 2/wife on or before 7th day of English calendar month till finding of Family Court regarding maintenance issue.

(ii) Payment for the month of February be made in cash, whereas maintenance amount from the month of March onward be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his expenditure.

(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months, the bail bond of petitioner shall be cancelled by the learned trial court, itself, if pressed by O.P. No. 2/wife.

(Chandra Shekhar Jha, J)

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