

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53279 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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MD. AHSAN @ AHSAAN ALAM @ MD. AHSAN ALAM SON OF MD. JAFAR ALI RESIDENT OF VILLAGE - RAMNAGAR BAZAR, P.S. - SRINAGAR, DISTRICT - MADHEPURA, PRESENTLY RESIDENT AT KASIM BIHAR KHESRA NO. 820, NEW BIHAR WATER TANK, P.S. - LAUNI, DISTRICT - GHAZIABAD, U.P.

... .. Petitioner/s

Versus

- 1 . THE STATE OF BIHAR
2. MOBINA KHATOON WIFE OF MD. AHSAN ALAM, DAUGHTER OF MD. ISLAM RESIDENT OF VILLAGE - SAHUGARH DIWANI TOLA, P.S. AND DISTRICT - MADHEPURA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-01-2025 Heard learned counsel for the parties.

2. The petitioner who is husband of opposite party No. 2 apprehends arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and 3/ 4 of the D. P Act.

3 . Earlier, the matter was referred to the Mediation Center to resolve the dispute between the parties but from the Mediator's Report dated 07.01.2025 it appears that the mediation between the parties failed.

4. Learned counsel for the petitioner submits that the



petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3000/- 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. 3000/- (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 SDJM Madhepura in connection with Complaint Case No. 239 of 2023 , 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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