

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20231 of 2026

Arising Out of PS. Case No.-338 Year-2019 Thana- PUPRI District- Sitamarhi

Sarafat Hussain @ Tammane S/o- Late Sadakat Hussain Resident of Village-
Awapur @ Sherpur, P.S- Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shama Praveen W/o- Sarafat Hussain @ Tamane, D/o- Sanmiullah R/v-
Garri Ps- Jale Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Jha

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-04-2026 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Pupri P.S. Case No. 338 of 2019 registered for the offence under
Section(s) 498(A), 341, 323, 504 and 506/34 of the Indian Penal
Code.

3. Earlier, the petitioner was granted anticipatory bail
by this Court on 17.05.2022 in Cr. Misc. No. 24443 of 2022 and
he was directed to pay maintenance of Rs. 10,000/- per month to
O.P. No. 2/Wife. The petitioner has been regularly paying the
said maintenance to O.P. No. 2. However, the prosecution has
not cooperated in the case and has stopped appearing once the



maintenance amount started being paid to her.

4. It appears that the victim is not interested in the trial and is interested only in receiving the maintenance amount. The charge was framed on 14.09.2023, and even after a lapse of about 2½ years, the informant has neither adduced any witness nor examined herself before the learned court below.

5. The petitioner is in custody since 16.01.2026 and has clean antecedent.

6. Considering the aforesaid facts and circumstances, this application for regular bail is allowed.

7. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pupri P.S. Case No. 338 of 20189.

8. The condition imposed upon the petitioner by this Court *vide* order dated 17.05.2022 passed in Cr. Misc. No. 24443 of 2022 directing payment of Rs. 10,000/- per month to the wife is hereby modified. In view of the non-cooperation of the informant in the trial proceedings, the petitioner shall no longer be required to pay the said maintenance amount to the



wife/O.P. No. 2.

9. The Trial Judge is directed to close the trial, if the prosecution does not produce any witness within two months from the date of communication/receipt of a copy of this order.

10. Let a copy of this order be communicated to the Principal District & Sessions Judge, Sitamarhi through FAX or e-mail for immediate compliance.

(Sandeep Kumar, J)

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