

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30599 of 2017

Arising Out of PS.Case No. -156 Year- 2016 Thana -BASANTPUR District- SIWAN

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Saheb Raza Khan Son of Naushad Khan, Resident of Village-Shekhpora,
P.S.-Basantpura, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabina Khatoon daughter of late Akbar Khan resident of village-Shekhpora, P.S. Basantpur, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-09-2017 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the State.

Petitioner is languishing in judicial custody since
12.04.2017 in connection with Basantpur P.S. Case No. 156 of
2016 for offences punishable under Sections (498 (A)/34 and
under Sections 3, 4 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is
that she had love affair with the petitioner and went to Delhi
where she performed Nikah. After eight months she was tortured
for non-fulfillment of demand of dowry and sent back to her
parental home along with the two children.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he has already divorced his wife and he is ready to pay her maintenance as per the Muslim rites.

Learned counsel for the informant submits that she is ready to live with the petitioner and alternatively to take the maintenance amount.

Learned A.P.P. for the State has no objection to the resolution of the dispute between the petitioner and the opposite party no. 2.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on provisional bail for four months 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, Siwan in connection with Basantpur P.S. Case No. 156 of 2016 and after release the petitioner and the victim lady will appear before the learned court below on 21.09.2017 and the provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:

- (i) if the matrimonial harmony is substantially restored or



(ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

The learned court below will also fix a maintenance amount per month to be paid to the informant if the petitioner is not agreed to take her to matrimonial house as it deems fit.

(Nilu Agrawal, J)

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