

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12928 of 2019

Arising Out of PS. Case No.-3358 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Shamim @ Md. Samim, Son of Late Md. Kalim, Resident of Mohalla-
Mohi Manjil Pali Road Dehri on Sone, P.S.- Dehri, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabina Praween, D/o Md. Zamir, Resident of Mohalla- Raja Colony
Maulabagh Phulwari Sharif, P.O and P.S. Phulwari Sharif, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Gangesh Gunjan

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 3358 (C) of 2015,

disclosing offences under Section 498A of the Indian Penal

Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of demand of

Rs.5,00,000/- and for that, subjected the complainant to cruelty

and harassment and ousted her from the house.

Submission of learned counsel for the petitioner is that

the whole allegation is false and concocted. She was married

with another person earlier before the marriage with the

petitioner and she has not informed the petitioner about her

previous marriage. Furthermore, the demand of opposite party



no.2 for one time settlement is very excessive and it is not possible for the petitioner to fulfill the aforesaid amount for one time settlement. He is not ready to keep her.

Heard learned APP as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail of the petitioner on the ground that petitioner has knowledge about the fact that she was divorced from her previous husband and she is also a son but in spite of that, petitioner is not maintaining her and also not ready to keep her.

Further submission is that petitioner is an Electric Contractor. Apart from that he has some landed property also.

The aforesaid contention of the opposite party no.2 was contested by the petitioner by saying that he is a labourer and he has not landed property.

Having heard both sides, in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the learned court below by 02.08.2019 and on surrender with condition that he will pay Rs.3000/- per month to the opposite party no.2 for a period of one year, he will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Sub- Divisional Judicial Magistrate,



Patna, in connection with Complaint Case No.3358 (C) of 2015, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

It is expected that in the meantime, the opposite party no.2 shall move before the Family Court for grant of maintenance, for which, the petitioner shall co-operate and appear as and when required.

It is also made clear that if petitioner fails to pay maintenance as directed by this Court for three continuous months, the opposite party no.2 shall be at liberty to move for his cancellation of bail bonds before the court below itself.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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