

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21443 of 2019

Arising Out of PS. Case No.-2282 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Azimuddin @ Md. Azimuddin, aged about 32 years, Gender-Male, Son of
Hadish @ Tuntun, Resident of Mohalla-Majhauria, P.S-Sadar, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mobina Khatoon, aged about 30 years, Gender- Female, wife of Azimuddin
and Daughter of Md. Jalil, resident of Mohalla-Azad Lane, Maripur Chawk,
P.S-Kazi Mohammadpur, District-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-09-2019 The petitioner apprehends his arrest in connection

with the complaint case no. 2282 of 2017 in which cognizance

under Section 498A of the IPC read with Section 4 of the Dowry

Prohibition Act has been taken.

The allegation against the petitioner is that the
complainant was married to the petitioner in the year 2007 and
in the marriage lot of gifts and cash were given by the family of
the complainant to the petitioner. It has further been alleged that
after sometime the cash of 20,000/- was given to the petitioner
for purchasing TV but even thereafter the petitioner and his
family members continuously used to torture the complainant



and demanded the cash of Rs.70,000/- and one motorcycle by way of dowry. It has further been alleged that due to non-fulfillment of the demand of dowry, the complainant was being tortured physically and mentally.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case after a lapse of 10 years of the marriage inasmuch as the petitioner had given Talaque to the complainant by saying Talaque Talaque Talaque orally on 19.09.2017 and is ready to pay mehar. Learned counsel further submits that the petitioner without prejudice to right and contention is ready to pay a sum of Rs. 4,000/- to the complainant, subject to the final outcome of the matrimonial case or maintenance case filed by her.

Offer made by the petitioner is accepted by learned counsel appearing for the complainant, O.P. No.2.

Having regard to the submission made by the parties and taking into consideration the same, I am inclined to grant anticipatory bail to the petitioner, subject to the condition that a sum of Rs. 4,000/- shall be paid by the petitioner in the bank account of the complainant regularly starting from 1st of October, 2019 and the amount must be deposited in the bank account of the complainant by 7th day of



every month.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, East, Muzaffarpur in connection with Complaint Case No. 2282/2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Learned counsel for the Opposite Party No. 2 submits that the bank account of the complainant will be provided to learned counsel appearing for the petitioner by Tuesday i.e. 24.09.2019.

It is made clear that the amount of Rs. 4,000/- shall be deposited by the petitioner in the bank account provided by the O.P. No.2 and a proof thereof for the month of October shall be attached at the time of furnishing bail bond by the petitioner.

It is also made clear that aforesaid amount paid by the petitioner shall be subject to the final outcome of the matrimonial case or the maintenance case lodged by the parties.



In case, if the petitioner deviates from his promise and fail to deposit a sum of Rs. 4,000/- per month in the bank account of O.P. No.2, O.P. No.2 shall be at liberty to move an appropriate application before an appropriate court of law.

(Anil Kumar Sinha, J)

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