

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26042 of 2019

Arising Out of PS. Case No.-797 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

Md. Bahab @ Md. Bahab Khan @ Md. Samashap Khan S/o Md. Siraj Khan
R/o Village- Din Nagar, P.S.- Chandradeep, District- Jamui ... Petitioner
Versus

1. The State of Bihar
2. Ruhi Khanam W/o Md. Bahab @ Md. Bahab Khan @ Md. Samashap Khan,
D/o Md. Mahtab Khan R/o village- Khajurar, P.S.- Bhadaur, District- Patna
... ... Opposite Party

Appearance :

For the Petitioner	:	Sanjana, Advocate
For the State	:	Mr. Ram Sumiran Rai, Addl Public Prosecutor
For the opp no.2	:	Mr. Ravi Prakash Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-09-2019 Heard learned counsel for the petitioner, the State and
opposite party no.2.

Petitioner, who happens to be the husband of the opposite party no.2, apprehends his arrest in a case registered for offence under section 498A of the Indian Penal Code as well as under sections 3/4 of the Dowry Prohibition Act, on the allegation of demand of dowry and committing torture on her with the aid of family members due to non-fulfilment of dowry demand.

Learned counsel for the petitioner submits that the allegations levelled against him are false and baseless and they are general and omnibus in nature.

Learned counsel appearing for the opposite party no.2



opposes the prayer for bail submitting that there is allegation against the petitioner that he along with his family members repeatedly demanded dowry and committed torture on opposite party no.2 on account of her non-fulfilment of dowry demand. He further submits that the petitioner, being husband of opposite party no.2, may be directed to pay Rs.3,500/-per month to opposite party no.2 as maintenance money, subject to any order to be passed in the matrimonial case in future, which is not disputed by learned counsel for the petitioner.

In view of the aforesaid submissions, provisional bail allowed to the petitioner vide order dated 22.4.2019 in Complainant Case No. 797C of 2017, pending in the court of the Sub Divisional Judicial Magistrate, Barh, is hereby confirmed on the following conditions:-

As agreed between the parties, petitioner would pay Rs.3,000/-(three thousand) per month to the opposite party no.2 as maintenance amount from October, 2019 by depositing the same in her Savings bank account by second week of every succeeding month, subject to any order to be passed in the matrimonial case in future. Opposite party no.2 would file an affidavit in the court below within three weeks mentioning her Savings bank account number for its communication to the



petitioner so that he may credit the aforesaid maintenance amount as per the direction of this order. In case of default of payment of the aforesaid maintenance amount for three consecutive months, opposite party no.2 will be at liberty to file application for cancellation of the bail of the petitioner.

Parties would ensure their appearance in the case on each and every date fixed by the learned Family Court. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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