

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27129 of 2019

Arising Out of PS. Case No.-323 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

MD. ADIL Son of Md. Shakil Resident of Village - Thikahi, P.S.- Hathauri,
Distt - Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shahin Praveen, Wife of Md. Adil Resident of Village - Thikahi, P.S.-
Hathauri, Distt - Muzaffarpur. Presently at D/o Late Md. Lal Babu, resident
of village - Mohamadpu Kuaari, P.S.- Pusa (Waini), Distt - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-08-2019 The petitioner apprehends his arrest in connection with

Complaint Case bearing CR No. 323 of 2018 in which

cognizance has been taken under Section 498A/34 of the Indian

Penal Code and 4 of the Dowry Prohibition Act.

Allegation against the petitioner, as per complaint, is that
marriage of the complainant/O.P.No. 2 was solemnised with the
petitioner on 22.05.2017 in which a huge amount was given to
the petitioner by way of gift by the family members of the
complainant. It has further been alleged that after few months of
the marriage, petitioner along with other co-accused started
torturing her for demand of dowry and due to non-fulfillment of
the same, he tried to strangulate the complainant by putting



Dupatta around her neck and she was being tortured mentally and physically.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated based upon concocted complaint and O.P.No. 2 is not willing to live with the petitioner as his wife.

On the other hand, learned counsel appearing on behalf of the O.P.No. 2 submits that she has been tortured physically and mentally by the petitioner for non-fulfillment of demand of dowry and she has threat to her life if she would start to live with the petitioner.

However, without prejudice to the aforesaid, learned counsel for the petitioner, upon instruction, submits that petitioner is ready to give a sum of Rs. 3,500/- per month regularly to the O.P.No. 2 i.e., complainant in her bank account, subject to the final outcome of any matrimonial case /maintenance case filed/ lodged between the parties. The offer of the petitioner has been accepted by the learned counsel for the complainant/O.P.No. 2 upon instruction.

In that view of the matter, let petitioner, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be



released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned SDJM, Samastipur in connection with Complaint Case No. 323 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that petitioner be released on anticipatory bail; subject to condition that he will be depositing a sum of Rs. 3,500/- per month in the bank account of the O.P.No. 2 regularly, which will be provided through her counsel to the counsel of the petitioner, within ten days. The aforesaid amount shall be deposited in the account of the O.P.No. 2, for the month of September by 10th day of September, 2019 and every month continuously by 10th day of that month till final outcome of the matrimonial or maintenance case filed between the parties.

The petitioner shall also annex the proof of payment made to the O.P.No. 2 to the tune of Rs. 3,500/- for the month of September, 2019 in her bank account along with surrender-cum-bail petition filed by the petitioner.

(Anil Kumar Sinha, J)

sujit/-

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