

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34800 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Md. Shamim Ahmad, Son of Kasimuddin Edrisi, Resident of Village -
Mathurapur Colony, P.O and P.S.- Dalmiya Nagar, Distt - Rohtas, Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alim Hussain, Son of Late Hazi Asgar, Resident of Village - Gamhariyan,
P.O and P.S.- Akorhigola, Distt - Rohtas, Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rameshwar Singh

For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-08-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 365 of 2018, disclosing

offences under Section 498A of IPC and Section 4 of Dowry

Prohibition Act.

Prosecution story is of demand of dowry and torture
to the complainant, who has one daughter also from the
petitioner.

Submission of the learned counsel for the petitioner is
that the whole allegation is false and concocted and he is still
ready to keep her with dignity and care but the complainant is
not ready to reside with him

Heard learned A.P.P. as well as learned counsel for the



opposite party no.2 also, they have submitted that she was subjected severe cruelty by her husband, so it is not possible to reside with him and nothing has been paid as maintenance towards herself and her daughter up till now. It has also been submitted that a Maintenance Case No.101 of 2018 has been filed by the complainant for that purpose. It has also been submitted by the learned counsel for the petitioner that petitioner has already appeared in that case.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released 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 Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Complaint Case No. 365 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with the condition that he will co-operate in disposal of the maintenance case, as stated above, and will appear as and when required. At the same time, the learned Family Court, Rohtas is directed to expedite the proceeding of the maintenance case and after hearing both the parties, pass an order on the grant of



interim maintenance within a period of four months. It is also made clear that petitioner has pay the amount of interim or final maintenance passed by the learned Family Court, Rohtas, unless same is revised or set aside by any court of competent jurisdiction.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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