

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45973 of 2019

Arising Out of PS. Case No.-1026 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SAIF RAHMAN Son of Late Ataur Rahman Resident of Village - Imamganj
Chand Kothi, Banaras Bank Chauk, P.S.- Muzaffarpur Town, District -
Muzaffarpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Chandani Sultana Daughter of Varis Ali Resident of Village - Janpul, Street
beside V Mart, P.S.- Motihari Town, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-07-2019 This application, for grant of anticipatory bail, arises

out of Trial No. 2192 of 2019, arising out of Complaint Case
No. 1026 of 2018, disclosing offences under Sections 498A of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

Petitioner happens to be husband of the complainant
and allegation against him and other accused persons is of
demand of dowry in order to invest in his business and also to
force the complainant to establish illicit physical relationship
with his friend and further she was assaulted and they also tried
to disrobe her.

Submission of learned counsel for the petitioner is



that earlier a case under Section 498A of the Indian Penal Code was filed by the mother of the complainant against the father of the complainant and as the petitioner was witness in the said case, he has falsely been implicated in this case and the petitioner is still ready to keep the complainant with full honour and dignity

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that though the petitioner has filed a case for restitution of conjugal rights but at the same time, he has also filed a complaint alleging therein that complainant has illicit relationship with her brother-in-law (bahnoi) and further she has been assaulted and subjected to cruelty and due to which, she is residing in her parents house along with the children and it is not possible for the complainant to live with the petitioner and as the petitioner is not paying any amount towards her maintenance and towards the maintenance of children, she has filed a Maintenance Case before the Family Court, East Champaran, Motihari, which has been numbered as Maintenance Case No. 204 of 2018.

Having heard both sides, considering the facts and circumstances of the case, it does not appear that there is any



chance of settlement of dispute between the parties, as such, let the petitioner surrender in the court below on 08.08.2019 and if he files an affidavit that he is ready to pay Rs. 3,000/- per month to the complainant till any interim or final order is passed in the aforesaid maintenance case, the court below shall release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Trial No. 2192 of 2019, arising out of Complaint Case No. 1026 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to pay the aforesaid amount for three consecutive months, complainant will be at liberty to move the court below for cancellation of his bail bonds.

With the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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