

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40062 of 2019

Arising Out of PS. Case No.-382 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Shamim @ Shahim S/O Md. Abdul Resident of Village- Baraipura,
Bhagwatpur Ward no. 10, P.S.- Sarairanjan, Distt.- Samastipur.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Afashana Khatoon W/O Md. Shamim @ Md. Shahim Resident of Village-
Baraipura, Bhagwatpur Ward no. 10, P.S.- Sarairanjan, Distt.- Samastipur. At
Present D/o Md. Ebrahim, Resident of Village and Post- Rahamatpur, P.S.-
Muffassil, Distt.- Samastipur.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy
For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-02-2020 Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned A.P.P. for the

State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498A/34
of the Indian Penal Code.

Petitioner, who is husband of opposite party no2.,
is said to have tormented and assaulted her and lastly ousted her
from her matrimonial home in association of his family
members over non fulfillment of dowry demand.

It appears that vide order dated 26.08.2019, this
matter was referred to Mediation Center to resolve the issue



between the parties. The Mediator has submitted his report (Flag M) stating that in spite of his best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor tormented her nor drove her out of her matrimonial home over the demand of dowry. He is still ready to keep her with full honour and dignity. Learned counsel for the petitioner further submitted that he is ready to pay Rs.2000.00 (Rupee Two Thousand) per month to opposite party no.2 as maintenance.

In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur in connection with Complaint Case No. 382 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to further condition that the petitioner would pay



monthly maintenance of Rs.2000.00 (Rupees Two Thousand) per month on every 7th of the each month and, if the petitioner is failed to pay the same on two consecutive dates, opposite party no.2 would be at liberty to file an application before the learned Court below to cancel the bail bond of the petitioner.

(Anjani Kumar Sharan, J)

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