

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54298 of 2019

Arising Out of PS. Case No.-1391 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Mustaqim Alam @ Mustaqim Ansari, Son of Late Satar Ansari @ Sattar
Miyan Resident of Village- Saraiya Vriti Tola, P.S.- Pahadpur, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anjum Ara, Daughter of Aas Ahmad Ansari Resident of Village- Ahirauliya,
P.S.- Paharpur, 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.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 05-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.C-1391 of 2018 in which cognizance has been
taken under Section 498(A) of the Indian Penal code, 1860 and
Section 3/4 of Dowry Prohibition Act.

The allegation against the petitioner is that complainant
was married with the petitioner in accordance with Muslim
customs on 01.05.2011. It has further been alleged that after some
time, the behaviour of the petitioner towards the complainant was
not good and the petitioner started torturing mentally as well as
physically to the complainant due to non-fulfillment of demand of
dowry of Rs. 1 lakh, motorcycle and gold chain. It has further



been alleged that ultimately the complainant was ousted from her matrimonial home by the petitioner.

Ms. Reshmi Jha, learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and allegation of torture against the petitioner is false and baseless.

On the other hand learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner has performed second marriage and has been neglecting the complainant and her son. Learned counsel for the complainant further submits that petitioner started torturing the complainant some time after the marriage of the complainant with the petitioner.

Learned counsel for the petitioner, however, without prejudice to the rights and contentions of the parties, submits that the petitioner is ready to pay a sum of Rs.5,000/- per month to the complainant, subject to the final outcome of maintenance case or any matrimonial case filed by the complainant or the petitioner. The offer made by learned counsel for the petitioner is accepted by learned counsel appearing for the complainant.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner is ready to pay a sum



of Rs.5,000/- per month to the complainant and her son as living cost, subject to the final outcome of the maintenance case or any other matrimonial case filed between the parties, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the provision bail granted by this Court dated 30.08.2019 be confirmed, subject to terms and condition as aforesaid and the bail bond furnished by the petitioner earlier shall be treated to the bail bond furnished by the petitioner pursuant to this order, subject to the further condition that the petitioner shall pay a sum of Rs.5,000/- per month in the bank account of the complainant, Anjum Ara, having Account No.37620215555 Branch-S.B.I., Paharpur, East Champaran positively every month starting from 15th of February, 2020.

It is made clear that the amount of Rs.5,000/- shall be deposited every month by the petitioner latest by 10th of that month in the bank account of the complainant.

sanjeev/-

(Anil Kumar Sinha, J)

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